

# STATE LAW LIBRARY OF MONTANA

Joseph P. Mazurek Justice Building  
215 North Sanders Street  
PO Box 203004  
Helena, MT 59620-3004



Website: [courts.mt.gov/library](http://courts.mt.gov/library)  
Email: [mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov)  
Phone: 406-444-3660  
Fax: 406-444-3603

## Legislative History – Montana Session Law

Chapter: 226 Session L: 2011

Bill Number: HB 69

### Checklist of Bill History

|                                |                                     |
|--------------------------------|-------------------------------------|
| History and Final Status Sheet | <input checked="" type="checkbox"/> |
| Introduced Bill                | <input checked="" type="checkbox"/> |
| Fiscal Note                    | <input checked="" type="checkbox"/> |
| Third Reading Bill             | <input type="checkbox"/>            |
| Final Version of Bill          | <input checked="" type="checkbox"/> |

| House                       | Senate                      |
|-----------------------------|-----------------------------|
| Committee: Judiciary        | Committee: Judiciary        |
| Hearing Date(s): 1/19/2011  | Hearing Date(s): 3/9/2011   |
| Committee Report: 1/20/2011 | Committee Report: 3/24/2011 |

### Conference Committee

Hearing Date(s):

Conference Committee Report:

### Compiler Notes

Compiled by: *JK Marshall*

Date: *8/11/2024*

Notes:

## HB 67. INTRODUCED BY MENAHAN

LC0373 DRAFTER: SCURR

STRENGTHEN ACT LAWS FOR TREATMENT OF DUI AND BAC OFFENDERS

BY REQUEST OF LAW AND JUSTICE INTERIM COMMITTEE

12/10 INTRODUCED  
 12/20 REFERRED TO JUDICIARY  
 1/19 HEARING  
 2/03 Tabled in COMMITTEE  
 2/24 MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL  
 DIED IN STANDING COMMITTEE

## HB 68 INTRODUCED BY SANDS

LC0284 DRAFTER: O'CONNELL

REVISE MEDICAL MARIJUANA ACT AND CREATE REGULATORY STRUCTURE FOR INDUSTRY

BY REQUEST OF CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

8/25 FISCAL NOTE PROBABLE  
 12/10 INTRODUCED  
 12/15 FISCAL NOTE REQUESTED  
 12/20 REFERRED TO HUMAN SERVICES  
 1/17 FISCAL NOTE RECEIVED  
 1/18 FISCAL NOTE SIGNED  
 1/19 FISCAL NOTE PRINTED  
 1/21 HEARING  
 3/23 Tabled in COMMITTEE  
 3/30 MISSED DEADLINE FOR REVENUE BILL TRANSMITTAL  
 DIED IN STANDING COMMITTEE

## HB 69 INTRODUCED BY MENAHAN

LC0371 DRAFTER: SCURR

REVISE JAIL PENALTIES FOR DUI COURT PARTICIPATION

BY REQUEST OF LAW AND JUSTICE INTERIM COMMITTEE

11/18 FISCAL NOTE PROBABLE  
 12/10 INTRODUCED  
 12/15 FISCAL NOTE REQUESTED  
 12/20 REFERRED TO JUDICIARY  
 1/10 FISCAL NOTE RECEIVED  
 1/11 FISCAL NOTE SIGNED  
 1/11 FISCAL NOTE PRINTED  
 1/19 HEARING  
 1/20 COMMITTEE EXEC ACTION—BILL PASSED 15 5  
 1/21 COMMITTEE REPORT—BILL PASSED  
 1/25 2ND READING PASSED 61 39  
 1/26 3RD READING PASSED 57 42

TRANSMITTED TO SENATE  
 2/03 REFERRED TO JUDICIARY  
 3/09 HEARING  
 3/09 COMMITTEE EXEC ACTION—CONCURRED AS AMD 12 0  
 3/09 COMMITTEE REPORT—CONCURRED AS AMD  
 3/12 REREFERRED TO JUDICIARY 42 7  
 3/24 COMMITTEE EXEC ACTION—CONCURRED AS AMD 10 2  
 3/24 COMMITTEE REPORT—CONCURRED AS AMD  
 3/26 2ND READING CONCURRED 29 19  
 3/28 3RD READING CONCURRED 33 17

RETURNED TO HOUSE WITH AMENDMENTS  
 4/04 2ND READING SENATE AMDS CONCURRED 96 4  
 4/05 3RD READING PASSED AS AMENDED BY SENATE 86 11  
 4/05 SENT TO ENROLLING  
 4/06 RETURNED FROM ENROLLING  
 4/08 SIGNED BY SPEAKER  
 4/11 SIGNED BY PRESIDENT  
 4/11 TRANSMITTED TO GOVERNOR  
 4/20 SIGNED BY GOVERNOR  
 4/20 CHAPTER NUMBER ASSIGNED

CHAPTER NUMBER 226

EFFECTIVE DATE: 10/01/2011 - ALL SECTIONS

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment sentence must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours

1 or more than ~~12 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 (b) The initial 24 hours of the mandatory minimum imprisonment term must be served and may not be  
3 served under home arrest. The mandatory imprisonment sentence and may not be suspended unless the judge  
4 finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental  
5 well-being.

6 (c) Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) Except as provided in subsection (4), ~~on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~12 months~~ 1 year.

14 (b) At least 48 hours of the The mandatory minimum imprisonment term must be served and served  
15 consecutively and may not be served under home arrest. The imposition or execution of the first 5 days of the  
16 imprisonment sentence may not be suspended and may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 (c) Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

21 (3) (a) Except as provided in subsection (4), ~~on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 (b) At least 48 hours of the The mandatory minimum imprisonment term must be served and served  
28 consecutively and may not be served under home arrest and may not be suspended unless the judge finds that  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The  
30 imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 3.** Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

(1) Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction a person convicted of a second violation of 61-8-406, the person shall be punished by imprisonment for not less than 5 days, to be served in the county jail and not on home arrest,~~ or more than 30 days and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest,~~ or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) The ~~imposition or execution of the first 5 days of the~~ mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction a person convicted of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 40~~ 30 days, to be served in the county jail and not on home arrest, or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, which may not be served

1 ~~on home arrest~~, or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 (b) The imposition or execution of the first 10 days of the imprisonment sentence mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10  
11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13  
14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16 - END -



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2013 Biennium

Bill # HB0069

Title: Revise jail penalties for DUI court participation

Primary Sponsor: Menahan, Mike

Status: As Introduced

- ☐ Significant Local Gov Impact    ☐ Needs to be included in HB 2    ☐ Technical Concerns  
☐ Included in the Executive Budget    ☐ Significant Long-Term Impacts    ☐ Dedicated Revenue Form Attached

### FISCAL SUMMARY

|                                 | <u>Fy 2012<br/>Difference</u> | <u>FY 2013<br/>Difference</u> | <u>FY 2014<br/>Difference</u> | <u>FY 2015<br/>Difference</u> |
|---------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| Expenditures:                   |                               |                               |                               |                               |
| General Fund                    | \$0                           | \$0                           | \$0                           | \$0                           |
| Revenue:                        |                               |                               |                               |                               |
| General Fund                    | \$0                           | \$0                           | \$0                           | \$0                           |
| Net Impact-General Fund Balance | <u>\$0</u>                    | <u>\$0</u>                    | <u>\$0</u>                    | <u>\$0</u>                    |

Description of fiscal impact: This bill has no fiscal impact to the state.

### Effect on County or Other Local Revenues or Expenditures:

- Any reduction or increase in jail sentences will cost or save the counties on average \$60/day in incarceration costs.

*Mike Menahan*  
Sponsor's Initials

1-11-11  
Date

*[Signature]*  
Budget Director's Initials

*[Signature]*  
Date

APPROVED BY COMM ON  
JUDICIARY

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment sentence must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2. Section 61-8-714, MCA, is amended to read:**

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours



1 or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 (b) The initial 24 hours of the mandatory minimum imprisonment term must be served and may not be  
3 served under home arrest. The mandatory imprisonment sentence and may not be suspended unless the judge  
4 finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental  
5 well-being.

6 (c) Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) Except as provided in subsection (4), ~~on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401, shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

14 (b) At least 48 hours of the The mandatory minimum imprisonment term must be served and served  
15 consecutively and may not be served under home arrest. The imposition or execution of the first 5 days of the  
16 imprisonment sentence may not be suspended and may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 (c) Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732~~.

21 (3) (a) Except as provided in subsection (4), ~~on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401, shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 (b) At least 48 hours of the The mandatory minimum imprisonment term must be served and served  
28 consecutively and may not be served under home arrest and may not be suspended unless the judge finds that  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The  
30 imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

Section 3. Section 61-8-722, MCA, is amended to read:

"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.

(1) Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction~~ a person convicted of a second violation of 61-8-406, the person shall be punished by imprisonment for not less than 5 days, ~~to be served in the county jail and not on home arrest~~, or more than 30 days and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest~~, or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) The ~~imposition or execution of the first 5 days of the~~ mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction~~ a person convicted of a violation of 61-8-406, the person shall be punished by imprisonment for not less than ~~40~~ 30 days, ~~to be served in the county jail and not on home arrest~~, or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, ~~which may not be served~~

1 ~~on home arrest~~, or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 (b) The ~~imposition or execution of the first 10 days of the imprisonment sentence~~ mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10

11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13

14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16

- END -

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment sentence must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours

1 or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 (b) ~~The initial 24 hours of the mandatory minimum imprisonment term must be served and may not be~~  
3 ~~served under home arrest. The mandatory imprisonment sentence and may not be suspended unless the judge~~  
4 ~~finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental~~  
5 ~~well-being.~~

6 (c) ~~Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) ~~Except as provided in subsection (4), on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

14 (b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
15 ~~consecutively and may not be served under home arrest. The imposition or execution of the first 5 days of the~~  
16 ~~imprisonment sentence may not be suspended and may not be suspended unless the judge finds that the~~  
17 ~~imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.~~

18 (c) ~~Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

21 (3) (a) ~~Except as provided in subsection (4), on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 (b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
28 ~~consecutively and may not be served under home arrest and may not be suspended unless the judge finds that~~  
29 ~~the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The~~  
30 ~~imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 3.** Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

(1) Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction a person convicted of a second violation of 61-8-406, the person shall be punished by imprisonment for not less than 5 days, to be served in the county jail and not on home arrest, or more than 30 days and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, which may not be served on home arrest, or more than 60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) The imposition or execution of the first 5 days of the mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction a person convicted of a violation of 61-8-406, the person shall be punished by imprisonment for not less than 40 30 days, to be served in the county jail and not on home arrest, or more than 6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20 60 days, which may not be served~~

1 ~~on home arrest~~, or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2       (b) ~~The imposition or execution of the first 10 days of the imprisonment sentence~~ mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5       (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7       (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10

11       NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13

14       NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16

- END -

APPROVED BY COMM ON  
JUDICIARY

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment ~~ANY~~ sentence SUBSEQUENTLY IMPOSED must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours



1 or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 ~~(b) The initial 24 hours of the mandatory minimum imprisonment term must be served and may not be~~  
3 ~~served under home arrest. The mandatory imprisonment sentence and may not be suspended unless the judge~~  
4 ~~finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental~~  
5 ~~well-being.~~

6 ~~(c) Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) ~~(a) Except as provided in subsection (4), on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

14 ~~(b) At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
15 ~~consecutively and may not be served under home arrest. The imposition or execution of the first 5 days of the~~  
16 ~~imprisonment sentence may not be suspended~~ and may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 ~~(c) Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732.~~

21 (3) ~~(a) Except as provided in subsection (4), on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 ~~(b) At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
28 ~~consecutively and may not be served under home arrest and may not be suspended unless the judge finds that~~  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. The  
30 ~~imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

1       (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
2       the person's successful completion of a chemical dependency treatment program ~~by the person~~ pursuant to  
3       61-8-732.

4       (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
5       61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
6       alcohol concentration."

7  
8       **Section 3.** Section 61-8-722, MCA, is amended to read:

9       **"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

10      (1) Except as provided in subsection (4), a person convicted of a violation of 61-8-406 shall be punished by  
11      imprisonment for not more than ~~40 days~~ 1 year and by a fine of not less than \$300 or more than \$1,000, except  
12      that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person  
13      shall be punished by imprisonment for not more than ~~20 days~~ 1 year and by a fine of not less than \$600 or more  
14      than \$2,000.

15      (2) (a) Except as provided in subsection (4), ~~on a second conviction~~ a person convicted of a second  
16      violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than 5 days, ~~to be served in the~~  
17      ~~county jail and not on home arrest~~, or more than 30 days and by a fine of not less than \$600 or more than \$1,000,  
18      except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the  
19      person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest~~,  
20      or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

21      (b) ~~The imposition or execution of the first 5 days of the mandatory minimum imprisonment sentence may~~  
22      not be served under home arrest and may not be suspended unless the judge finds that imposition of the  
23      imprisonment sentence will pose a risk to the person's physical or mental well-being.

24      (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
25      the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

26      (3) (a) Except as provided in subsection (4), ~~on a third conviction~~ a person convicted of a violation of  
27      61-8-406, ~~the person~~ shall be punished by imprisonment for not less than ~~40~~ 30 days, ~~to be served in the county~~  
28      ~~jail and not on home arrest~~, or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than  
29      \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the  
30      offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, ~~which may not be served~~

1 ~~on home arrest~~, or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 (b) The imposition or execution of the first 10 days of the imprisonment sentence mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10  
11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13  
14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16 - END -

APPROVED BY COMM ON  
JUDICIARY

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment ~~ANY~~ sentence SUBSEQUENTLY IMPOSED must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year 6 MONTHS and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48

1 consecutive hours or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 ~~(b) The initial 24 hours of the mandatory minimum imprisonment term must be served and~~ may not be  
3 served under home arrest. ~~The mandatory imprisonment sentence and~~ may not be suspended unless the judge  
4 finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental  
5 well-being.

6 ~~(c) Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) Except as provided in subsection (4), ~~on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

14 ~~(b) At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
15 ~~consecutively and~~ may not be served under home arrest. ~~The imposition or execution of the first 5 days of the~~  
16 ~~imprisonment sentence may not be suspended and~~ may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 ~~(c) Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732.~~

21 (3) (a) Except as provided in subsection (4), ~~on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 ~~(b) At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
28 ~~consecutively and~~ may not be served under home arrest and may not be suspended unless the judge finds that  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. ~~The~~  
30 ~~imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 3.** Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

(1) Except as provided in subsection (4), a person convicted of a FIRST violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 1 year 6 MONTHS and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 1 year 6 MONTHS and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction a person convicted of a second~~ violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than 5 days, ~~to be served in the county jail and not on home arrest~~, or more than ~~30 days~~ 1 YEAR and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest~~, or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) ~~The imposition or execution of the first 5 days of the mandatory minimum~~ imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction a person convicted of a THIRD~~ violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than ~~40~~ 30 days, ~~to be served in the county jail and not on home arrest~~, or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, ~~which may not be served~~

1 ~~on home arrest~~, or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 (b) The imposition or execution of the first 10 days of the imprisonment sentence mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10

11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13

14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16

- END -

## HOUSE BILL NO. 69

INTRODUCED BY M. MENAHAN

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Suspension of imprisonment sentence for DUI court participation --**

**DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and the imprisonment ~~ANY~~ sentence SUBSEQUENTLY IMPOSED must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2.** Section 61-8-714, MCA, is amended to read:

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 1 year ~~6 MONTHS~~ and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48



1 consecutive hours or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 (b) ~~The initial 24 hours of the mandatory minimum imprisonment term must be served and~~ may not be  
3 served under home arrest. ~~The mandatory imprisonment sentence and~~ may not be suspended unless the judge  
4 finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental  
5 well-being.

6 (c) ~~Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) Except as provided in subsection (4), ~~on a second conviction, the person~~ a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

14 (b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
15 ~~consecutively and~~ may not be served under home arrest. ~~The imposition or execution of the first 5 days of the~~  
16 ~~imprisonment sentence may not be suspended and~~ may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 (c) ~~Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the~~ The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732.~~

21 (3) (a) Except as provided in subsection (4), ~~on the third conviction, the person~~ a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 (b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served~~  
28 ~~consecutively and~~ may not be served under home arrest and may not be suspended unless the judge finds that  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. ~~The~~  
30 ~~imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 3.** Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

(1) Except as provided in subsection (4), a person convicted of a FIRST violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 1 year 6 MONTHS and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 1 year 6 MONTHS and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction~~ a person convicted of a second violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than 5 days, ~~to be served in the county jail and not on home arrest~~, or more than ~~30 days~~ 1 YEAR and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest~~, or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) The ~~imposition or execution of the first 5 days of the~~ mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction~~ a person convicted of a THIRD violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than ~~40~~ 30 days, ~~to be served in the county jail and not on home arrest~~, or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, ~~which may not be served~~

1 ~~on home arrest~~, or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 ~~(b) The imposition or execution of the first 10 days of the imprisonment sentence~~ mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10

11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13

14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16

- END -



AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1. Suspension of imprisonment sentence for DUI court participation -- DUI court defined.**

(1) If a person participates in a DUI court, the court may, at the court's discretion, suspend all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum imprisonment term.

(2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court, the court shall revoke the suspended imprisonment sentence and any sentence subsequently imposed must commence from the effective date of the revocation.

(3) For purposes of this section, "DUI court" means any court that has established a special docket for handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with excessive blood alcohol concentration.

**Section 2. Section 61-8-714, MCA, is amended to read:**

**"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

(1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ 6 months and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours or more than ~~42 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

(b) ~~The initial 24 hours of the mandatory minimum imprisonment term must be served and~~ may not be served under home arrest. ~~The mandatory imprisonment sentence and~~ may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) ~~Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the~~ The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful completion of court-ordered chemical dependency assessment, education, or treatment by the person.

(2) (a) ~~Except as provided in subsection (4), on a second conviction, the person~~ a person convicted of a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~42 months~~ 1 year.

(b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served consecutively and~~ may not be served under home arrest. ~~The imposition or execution of the first 5 days of the imprisonment sentence may not be suspended and may not be suspended unless the judge finds that the~~ imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) ~~Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the~~ The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732.~~

(3) (a) ~~Except as provided in subsection (4), on the third conviction, the person~~ a person convicted of a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for a term of not less than 60 days or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

(b) ~~At least 48 hours of the~~ The mandatory minimum imprisonment term ~~must be served and served consecutively and~~ may not be served under home arrest and may not be suspended unless the judge finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. ~~The imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program by the person pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 3.** Section 61-8-722, MCA, is amended to read:

**"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.**

(1) Except as provided in subsection (4), a person convicted of a first violation of 61-8-406 shall be punished by imprisonment for not more than ~~40 days~~ 6 months and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ 6 months and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction~~ a person convicted of a second violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than 5 days, ~~to be served in the county jail and not on home arrest,~~ or more than ~~30 days~~ 1 year and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest,~~ or more than ~~60 days~~ 1 year and by a fine of not less than \$1,200 or more than \$2,000.

(b) ~~The imposition or execution of the first 5 days of the~~ mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction~~ a person convicted of a third violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than ~~40~~ 30 days, ~~to be served in the county jail and not on home arrest,~~ or more than ~~6 months~~ 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the

offense, the person shall be punished by imprisonment for not less than ~~20~~ 60 days, ~~which may not be served on home arrest~~, or more than ~~42 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

(b) The imposition or execution of the first 10 days of the imprisonment sentence mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

**Section 4. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

**Section 5. Applicability.** [This act] applies to offenses committed on or after [the effective date of this act].

- END -

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Ken Peterson, on January 19, 2011 at 8:00 AM, in Room 137  
Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Liz Bangerter (R)  
Rep. Kris Hansen (R)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Mike Menahan (D)  
Rep. Michael (Mike) More (R)  
Rep. Jesse O'Hara (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** None

**Members Absent:** Rep. Robyn Driscoll (D)  
Rep. Joe Read (R)

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.



**Committee Business Summary:**

Hearing & Date Posted: HB 12, 1/18/2011; HB 14, 1/18/2011; HB 27, 1/18/2011; HB 33, 1/18/2011; HB 67, 1/18/2011; HB 69, 1/18/2011; HB 106, 1/18/2011

00:02:19 Rep. Driscoll entered.

00:02:49 Chairman Peterson

00:04:53 Rep. Read entered.

**HEARING ON HB 106**

**Opening Statement by Sponsor:**

00:05:02 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 106, Provide for a 24/7 sobriety project for impaired driving offenders.

[EXHIBIT\(juh14a01\)](#)

**Proponents' Testimony:**

00:09:57 Steve Bullock, Montana Attorney General

[EXHIBIT\(juh14a02\)](#)

[EXHIBIT\(juh14a03\)](#)

00:17:59 Carl Pentecost, self

[EXHIBIT\(juh14a04\)](#)

00:22:22 Chairman Peterson

00:22:30 Leo Gallagher, Lewis and Clark County Attorney

00:35:04 Rep. Howard exited.

00:29:32 Leo Dutton, Lewis and Clark County Sheriff

00:30:41 Rep. Menahan exited.

00:31:08 Rep. Sands exited.

00:32:57 Rep. Menahan returned.

00:32:59 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)

00:34:30 Rep. Howard returned.

00:36:16 Bill Mickelson, Mickelson Consulting Group

[EXHIBIT\(juh14a05\)](#)

00:39:44 John Larsen, Common Sense Coalition

00:40:48 Jane Hamman, Montana Traffic Education Association

00:41:50 Al Recke, Great Falls, Coordinator, Cascade County DUI Task Force

00:43:39 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:44:59 Kris Minard, self

00:46:03 Carl Ibsen, Missoula County Sheriff

00:47:42 Mark Taylor, Association of Montana Troopers

00:48:40 Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association

[EXHIBIT\(juh14a06\)](#)

00:49:10 Dexter Levandoski, Compliance Monitoring Systems

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

|          |                        |
|----------|------------------------|
| 00:49:42 | Rep. Driscoll          |
| 00:49:54 | Mr. Gallagher          |
| 00:50:47 | Rep. Regier            |
| 00:51:20 | Mr. Bullock, AG        |
| 00:51:43 | Rep. Regier            |
| 00:51:55 | Mr. Bullock            |
| 00:52:15 | Rep. Regier            |
| 00:52:30 | Mr. Bullock            |
| 00:53:06 | Rep. Regier            |
| 00:53:24 | Mr. Bullock            |
| 00:53:29 | Rep. Sands returned.   |
| 00:53:46 | Rep. Regier            |
| 00:54:00 | Mr. Bullock            |
| 00:54:44 | Rep. Regier            |
| 00:55:14 | Mr. Gallagher          |
| 00:55:19 | Rep. Regier            |
| 00:55:24 | Mr. Gallagher          |
| 00:55:37 | Rep. More              |
| 00:56:09 | Mr. Gallagher          |
| 00:57:05 | Rep. More              |
| 00:57:46 | Mr. Gallagher          |
| 00:57:54 | Mr. Mickelson          |
| 00:58:10 | Rep. More              |
| 00:58:20 | Mr. Mickelson          |
| 00:58:25 | Rep. Sands exited.     |
| 00:59:48 | Rep. More              |
| 01:00:15 | Mr. Mickelson          |
| 01:00:44 | Rep. Hill              |
| 01:01:40 | Mr. Bullock            |
| 01:02:19 | Rep. Kerns             |
| 01:02:46 | Mr. Mickelson          |
| 01:03:14 | Rep. Kerns             |
| 01:03:31 | Mr. Mickelson          |
| 01:03:36 | Rep. Loney             |
| 01:03:53 | Mr. Gallagher          |
| 01:04:47 | Rep. Loney             |
| 01:05:13 | Rep. Hansen            |
| 01:05:34 | Mr. Levandoski         |
| 01:05:30 | Chairman Peterson      |
| 01:08:35 | Rep. Hansen            |
| 01:09:07 | Mr. Levandoski         |
| 01:09:51 | Rep. Read              |
| 01:10:31 | Mr. Mickelson          |
| 01:11:19 | Chairman Peterson      |
| 01:11:36 | Mr. Mickelson          |
| 01:11:56 | Rep. Bangerter exited. |

01:12:13 Chairman Peterson  
 01:12:17 Mr. Mickelson  
 01:12:41 Chairman Peterson  
 01:12:57 Mr. Mickelson  
 01:13:29 Chairman Peterson  
 01:13:34 Mr. Mickelson  
 01:13:57 Rep. Hansen exited.  
 01:14:03 Chairman Peterson  
 01:14:22 Mr. Mickelson

**Closing by Sponsor:**

01:14:37 Rep. Lavin

**HEARING ON HB 12**

**Opening Statement by Sponsor:**

01:16:31 Rep. Menahan (D), HD 82, opened the hearing on HB 12, Provide one-year jurisdiction for misdemeanor DUI/BAC offenses.  
 01:17:09 Rep. Driscoll exited.  
 01:17:21 Rep. Hansen returned.  
 01:18:35 Rep. Bangerter returned.  
 01:19:39 Rep. Driscoll returned.  
 01:20:18 Rep. O'Hara exited.

**Proponents' Testimony:**

01:22:55 Jim Smith, Montana Sheriffs' and Peace Officers' Association and Montana County Attorneys' Association  
 01:24:14 Candace Payne, Rimrock Foundation  
[EXHIBIT\(juh14a07\)](#)  
 01:24:46 Rep. Sands returned.  
 01:26:01 Mr. Levandoski, Compliance Monitoring Systems  
 01:26:30 John MacDonald, City of Missoula  
 01:26:58 Col. Mike Tooley, DOJ  
 01:27:23 Jane Hamman, Montana Traffic Education Association  
[EXHIBIT\(juh14a08\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:28:27 Rep. Regier  
 01:28:46 Rep. Menahan  
 01:28:50 Rep. MacDonald exited.  
 01:29:44 Rep. MacDonald returned.

**Closing by Sponsor:**

01:30:15 Rep. Menahan

**HEARING ON HB 14**

**Opening Statement by Sponsor:**

01:30:30 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 14, Eliminate 5-year look back in misdemeanor DUI/BAC cases.

01:33:13 Rep. O'Hara returned.

**Proponents' Testimony:**

01:35:56 Brian Sandrock, self  
01:37:57 Col. Mike Tooley, Montana Highway Patrol, DOJ  
01:39:10 Candace Payne, Rimrock Foundation

[EXHIBIT\(juh14a09\)](#)

01:40:17 Dexter Levandoski,  
01:40:50 John Larsen, Common Sense Coalition

[EXHIBIT\(juh14a10\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:41:39 Rep. Wagner  
01:43:41 Col. Tooley  
01:44:58 Rep. Howard exited.

**Closing by Sponsor:**

01:45:20 Rep. Menahan  
[EXHIBIT\(juh14a11\)](#)  
01:48:27 Vice Chairman Kerns assumed the Chair.

**HEARING ON HB 27**

**Opening Statement by Sponsor:**

01:48:47 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 27, Place notation of DUI on driver's license.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:54:24 Niki Zupanic, American Civil Liberties Union (ACLU)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:58:11 Rep. Harris  
01:58:15 Rep. Howard returned.  
01:59:10 Ms Zupanic  
01:59:20 Rep. Harris  
02:00:00 Ms Zupanic  
02:00:18 Rep. Bangerter  
02:00:48 Ms Zupanic  
02:00:53 Rep. Bangerter  
02:00:58 Ms Zupanic  
02:02:00 Rep. More  
02:02:36 Ms Zupanic  
02:02:41 Rep. More  
02:03:15 Ms Zupanic

**Closing by Sponsor:**

02:04:41 Rep. Peterson  
  
02:06:39 Meeting recessed until 10:25.  
02:24:40 Meeting reconvened with Chairmanship reverting to Chairman Peterson. Rep. Hansen was not present.

### **HEARING ON HB 67**

**Opening Statement by Sponsor:**

02:25:01 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 67, Strengthen ACT laws for treatment of DUI and BAC offenders.

**Proponents' Testimony:**

02:30:53 Mona Jamison, Attorney, Counsel for Boyd Andrew Treatment Center, Helena.  
02:37:16 Rep. Hansen returned.  
02:33:27 Col Mike Tooley, Chief, Montana Highway Patrol, DOJ  
02:34:06 Rep. Skattum exited.  
02:34:26 Rebecca Sturdevant, MADD  
02:35:00 Kris Minard, self  
02:35:25 Al Recke, Cascade County DUI Task Force  
02:35:58 Candace Payne, Rimrock Foundation

02:37:35 Brian Sandrock, self

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

02:40:01 Rep. Menahan

### **HEARING ON HB 69**

**Opening Statement by Sponsor:**

02:41:53 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 69, Revise jail penalties for DUI court participation.

02:44:50 Rep. Skattum returned.

**Proponents' Testimony:**

02:47:21 Rebecca Sturdevant, MADD

02:48:21 Kris Minard,

02:48:45 Col Mike Tooley, Chief, Montana Highway Patrol, DOJ

02:49:01 Brian Sandrock

02:50:21 Al Recke, Cascade County DUI Task Force

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:52:15 Rep. Harris

02:53:00 Rep. Menahan

**Closing by Sponsor:**

02:54:04 Rep. Menahan

02:54:20 Vice Chairman Kerns assumed chairmanship.

**HEARING ON HB 33****Opening Statement by Sponsor:**

02:55:02 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 33, Provide that any amount of dangerous drugs is impaired driving per se.

**Proponents' Testimony:**

02:57:55 Rebecca Sturdevant, MADD  
03:05:50 Carl Ibsen, Missoula County Sheriff  
03:08:40 Mark Murphy, Montana County Attorneys' Association, Montana Chiefs of Police Association and Montana Police Protective Association.  
03:11:13 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ  
03:14:09 Al Recke, Cascade County DUI Task Force.  
03:16:17 Kris Minard, self  
03:16:59 John Larsen, Common Sense Coalition

**Opponents' Testimony:**

03:18:44 JIm Gingery, Executive Director, Montana Medical Growers' Association  
**EXHIBIT(juh14a12)**  
03:22:54 Rose Habib, Chemist, Cannabis Scientist  
03:23:48 Rep. O'Hara exited.  
03:25:40 Doug Chyatte, Montanans for Responsible Legislation  
03:26:45 Rep. O'Hara returned.  
03:27:37 Kate Cholewa, Alliance for Cannabis Science  
**EXHIBIT(juh14a13)**  
03:28:49 Rep. Pease-Lopez exited.  
03:30:24 Barbara Trego, self  
03:32:39 Kathleen Shannon, self  
3:33:48 Tom Daubert, Patients and Families United  
03:39:23 Niki Zupanic, American Civil Liberties Union (ACLU)  
03:41:56 William Reid, representing himself.

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:43:57 Rep. Harris  
03:44:13 Ms Habib  
03:45:04 Rep. Harris  
03:45:10 Ms Habib  
03:45:34 Rep. O'Hara  
03:46:14 Ms Sturdevant  
03:47:10 Rep. O'Hara  
03:47:39 Ms Zupanic  
03:48:58 Rep. O'Hara  
03:49:05 Ms Zupanic  
03:49:48 Rep. Regier

03:50:08 Mr. Gingery  
03:50:12 Rep. Sands  
03:50:35 Col. Tooley  
03:50:49 Rep. Sands  
03:51:23 Col. Tooley  
03:52:34 Rep. Sands  
03:53:18 Mr. Murphy  
03:54:34 Rep. Sands  
03:55:18 Mr. Murphy  
03:56:03 Rep. Loney  
03:56:49 Ms Sturdevant  
03:57:42 Rep. Loney  
03:58:01 Col. Tooley  
03:59:09 Rep. Loney  
03:59:13 Col. Tooley  
03:59:52 Rep. Wagner  
04:00:37 Ms Cholewa  
04:00:49 Rep. Wagner  
04:00:55 Ms Cholewa  
04:01:12 Mr. Wagner  
04:02:15 Ms Cholewa  
04:02:58 Rep. Wagner  
04:04:01 Ms Cholewa  
04:05:46 Rep. Wagner  
04:06:00 Rep. More  
04:06:23 Rep. Regier exited.  
04:06:49 Ms Sturdevant  
04:08:26 Mr. More  
04:08:47 Ms Sturdevant  
04:09:52 Rep. Harris  
04:10:26 Ms Sturdevant  
04:10:43 Chairman Kerns

**Closing by Sponsor:**

04:10:57 Chairman Peterson

**Additional Documents:**

**EXHIBIT(juh14a14)** FAX from Monica Blanchard re: HB 33



**ADJOURNMENT**

04:14:10      Adjournment: 12:14 pm

---

Karen Armstrong, Secretary

ka

Additional Documents:

**EXHIBIT**([juh14aad.pdf](#))

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
62nd LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Wednesday, January 19, 2011  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 137

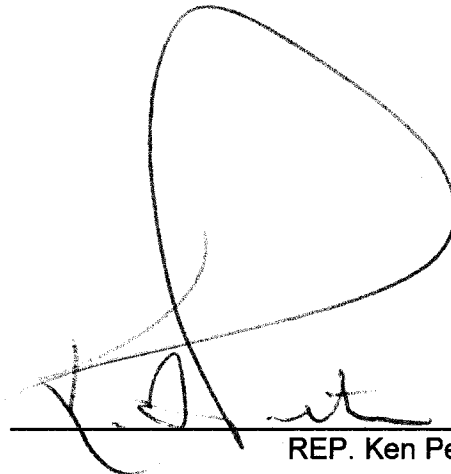
**BILLS and RESOLUTIONS HEARD:**

HB 12 - Provide one-year jurisdiction for misdemeanor DUI/BAC offenses  
HB 14 - Eliminate 5-year look back in misdemeanor DUI/BAC cases  
HB 27 - Place notation of DUI on driver's license  
HB 33 - Provide that any amount of dangerous drugs is impaired driving per se  
HB 67 - Strengthen ACT laws for treatment of DUI and BAC offenders  
HB 69 - Revise jail penalties for DUI court participation  
HB 106 - Provide for a 24/7 sobriety project for impaired driving offenders

**EXECUTIVE ACTION TAKEN:**

*None.*

**Comments:**

A large, stylized handwritten signature, likely of Ken Peterson, is written over a horizontal line. The signature is composed of several loops and strokes, with the last part appearing to be 'Ken Peterson'.

REP. Ken Peterson, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 1/19/2011

| <u>NAME</u>                    | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|--------------------------------|----------------|----------------------------|
| REP. KEN PETERSON, CHAIR       | ✓              |                            |
| REP. KRAYTON KERNS, VICE CHAIR | ✓              |                            |
| REP. DIANE SANDS, VICE CHAIR   | ✓              |                            |
| REP. MIKE MENAHAN              | ✓              |                            |
| REP. ROBYN DRISCOLL            |                | ✓                          |
| REP. KEITH REGIER              | ✓              |                            |
| REP. DAN SKATTUM               | ✓              |                            |
| REP. CLEVE LONEY               | ✓              |                            |
| REP. MARGARET MACDONALD        | ✓              |                            |
| REP. CAROLYN PEASE-LOPEZ       | ✓              |                            |
| REP. MICHAEL MORE              | ✓              |                            |
| REP. LIZ BANGERTER             | ✓              |                            |
| REP. WENDY WARBURTON           | ✓              |                            |
| REP. BOB WAGNER                | ✓              |                            |
| REP. ELLIE BOLDMAN HILL        | ✓              |                            |
| REP. BILL HARRIS               | ✓              |                            |
| REP. KRISTIN HANSEN            | ✓              |                            |
| REP. DAVID HOWARD              | ✓              |                            |
| REP. JESSE O'HARA              | ✓              |                            |
| REP. JOE READ                  |                | ✓                          |

# MONTANA House of Representatives

# Visitors Register

**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

## HB 12 - Provide one-year jurisdiction for misdemeanor DUI/BAC offenses

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

## HB 14 - Eliminate 5-year look back in misdemeanor DUI/BAC cases

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

## HB 27 - Place notation of DUI on driver's license

**Sponsor: Representative Ken Peterson**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

**HB 33 - Provide that any amount of dangerous drugs is impaired driving per se**

**Sponsor: Representative Ken Peterson**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

## HB 67 - Strengthen ACT laws for treatment of DUI and BAC offenders

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

## HB 69 - Revise jail penalties for DUI court participation

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Wednesday, January 19, 2011**

**HB 106 - Provide for a 24/7 sobriety project for impaired driving offenders**

**Sponsor: Representative Steve Lavin**

**PLEASE PRINT**

| Name               | Representing               | Support | Oppose |
|--------------------|----------------------------|---------|--------|
| Leo Dutton         | MSPOA/Lewis & Clark Co.    | X       |        |
| STEVE SULLOCK      | Montana Dept of Justice    | X       |        |
| Bill Mickelson     | Mickelson Consulting Group | X       |        |
| MARK TAYLOR        | ASSOC OF MT TROOPERS       | X       |        |
| Mina Jamison       | Boyd Anderson              | X       |        |
| Leo Gallagher      | L/E County MCAA            | X       |        |
| John Larson        | Common Sense Coalition     | X       |        |
| Kris Mina          | SELF                       | X       |        |
| Mike Tooly         | MHP                        | X       |        |
| Dexter Lumsden     | CMS / SCRAM                | X       |        |
| Jane Lee Hammer    | MTEA                       | X       |        |
| REBECCA STALLERMAN | MADD                       | X       |        |
| SCOTT TWITO        | YELLOWSTONE CO.            | X       |        |
| CARL JENSEN        | MISSOULA CO S.O.           | X       |        |
| Jim Smith          | MSPOA / MCAA               | X       |        |
| AL Rock            | LAGA CO. DUI TASK FORCE    | ✓       |        |
| K                  |                            |         |        |
|                    |                            |         |        |
|                    |                            |         |        |
|                    |                            |         |        |
|                    |                            |         |        |
|                    |                            |         |        |

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON JUDICIARY

**Call to Order:** Chair Ken Peterson, on January 20, 2011 at 8:00 AM, in Room 137  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Liz Bangerter (R)  
Rep. Robyn Driscoll (D)  
Rep. Kris Hansen (R)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Michael (Mike) More (R)  
Rep. Jesse O'Hara (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Diane Sands, Vice Chairman (D)  
Rep. Mike Menahan (D)

**Members Absent:** None

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 102, 1/18/2011; HB 112, 1/18/2011; HB 146, 1/18/2011; HB 253, 1/18/2011

Executive Action: HB 12, HB 14, HB 27, HB 67, HB 69, HB 126

00:00:42 Rep. Menahan entered.

00:01:18 Chairman Peterson

**HEARING ON HB 102**

**Opening Statement by Sponsor:**

00:01:40 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 102, Revise probationary driver's license provisions for DUI court participation.

**Proponents' Testimony:**

00:05:41 Col. Mike Tooley, Chief, Montana Highway Patrol, Department of Justice (DOJ)

00:06:39 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:08:30 Kris Minard, self

00:09:08 Dexter Levandoski, Compliance Monitoring Systems

00:09:35 Jane Hamman, Montana Traffic Education Association

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:10:32 Rep. Menahan

**HEARING ON HB 112**

**Opening Statement by Sponsor:**

00:10:49 Rep. Timothy Furey (D), HD 91, opened the hearing on HB 112, Clarify liquor laws related to serving underage and intoxicated persons.

**Proponents' Testimony:**

00:14:45 Shauna Helfert, Administrator, Liquor Control Division, Department of Revenue

00:17:58 Rebecca Sturdevant, MADD

00:18:30 Kris Minard, self

00:19:08 Brian Sandrock, self

00:22:09 Jane Hamman, Montana Traffic Educators

**Opponents' Testimony:** None

**Informational Testimony:** None

00:22:40 Vicki Turner, Director, Prevention Resource Center, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

00:23:11 Rep. Wagner  
00:24:46 Rep. Furey  
00:24:51 Ms Helfert  
00:25:31 Rep. Warburton  
00:26:58 Ms Helfert  
00:27:38 Rep. Warburton  
00:27:52 Ms Helfert  
00:28:39 Chairman Peterson  
00:29:36 Ms Helfert  
00:29:43 Rep. Wagner  
00:31:09 Rep. Furey

**Closing by Sponsor:**

00:31:37 Rep. Furey  
00:33:01 Rep. Kerns assumed chairmanship.

### **HEARING ON HB 146**

**Opening Statement by Sponsor:**

00:33:21 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 146, Increasing penalties for DUI.  
00:34:36 Rep. Harris returned.

**Proponents' Testimony:**

00:46:05 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ  
00:48:41 David Carter, Yellowstone County Attorney's Office  
00:53:11 Kris Minard, self  
00:54:03 Rebecca Sturdevant, MADD  
00:55:00 Jane Hamman, Montana Traffic Educators

**Opponents' Testimony:** None

**Informational Testimony:** None

00:56:18 Colleen Ambrose, Bureau Chief, Legal Services Bureau, Department of Corrections (COR)

00:56:42 Rep. Sands entered.  
0:56:57 Randi Hood, Chief Public Defender

**Questions from Committee Members and Responses:**

00:57:12 Rep. Harris  
00:57:18 Col. Tooley  
00:58:18 Rep. Harris  
00:59:01 Col. Tooley  
00:59:55 Rep. MacDonald  
01:01:01 Chairman Peterson  
01:03:01 Rep. Howard  
01:03:43 Col. Tooley  
01:03:50 Rep. Howard  
01:04:23 Col. Tooley  
01:04:46 Rep. Howard  
01:04:55 Co. Tooley  
01:05:01 Rep. Howard  
01:05:26 Col. Tooley  
01:05:33 Rep. Hansen  
01:06:48 Chairman Peterson  
01:07:07 Rep. Pease-Lopez  
01:08:08 Chairman Peterson  
01:08:26 Rep. Sands exited.  
01:08:33 Rep. Menahan exited.  
01:08:46 Rep. Hansen exited.  
01:10:12 Rep. Pease-Lopez  
01:10:57 Col. Tooley  
01:11:48 Rep. Wagner  
01:12:41 Ms. Hood  
01:12:46 Rep. Wagner  
01:13:15 Ms Hood  
01:13:28 Rep. Warburton  
01:14:21 Mr. Carter  
01:15:26 Rep. Sands returned.  
01:16:23 Rep. Hansen returned.  
01:16:41 Rep. Harris  
01:18:49 Rep. Menahan returned.  
01:19:16 Col. Tooley  
01:21:05 Rep. MacDonald  
01:22:11 Ms Ambrose  
01:22:49 Lena Havron, Budget Analyst for Secure Care, COR  
01:23:48 Rep. MacDonald  
01:24:23 Ms Havron  
01:24:58 Rep. Menahan exited.

**Closing by Sponsor:**

01:25:41 Chairman Peterson

**HEARING ON HB 253**

**Opening Statement by Sponsor:**

01:31:15 Rep. Gordon Hendrick (R), HD 14, opened the hearing on HB 253, Provide for recovery of costs for DUI conviction.

01:31:40 Chairman Peterson exited.

01:33:49 Chairman Peterson returned.

**Proponents' Testimony:**

01:34:32 David Carter, Yellowstone County Attorney's Office

01:35:03 Rebecca Sturdevant, MADD

**Opponents' Testimony:** None

**Informational Testimony:** None

01:35:36 Col. Mike Tooley, Chief, Montana Highway Patrol, DOJ

**Questions from Committee Members and Responses:**

01:36:01 Rep. Sands

01:37:03 Rep. Hendrick

01:37:45 Rep. Howard returned.

01:38:01 Rep. Sands

01:38:40 Rep. Hendrick

01:39:05 Rep. Sands

01:39:43 Rep. Hendrick

01:40:12 Rep. Warburton

01:40:18 Rep. Regier

01:41:03 Rep. Hendrick

01:41:12 Rep. Regier

01:41:16 Rep. Hendrick

01:41:51 Rep. Regier

01:42:15 Rep. Hendrick

01:42:20 Rep More

01:42:58 Rep. Hendrick

01:43:12 Rep. More

01:43:35 Rep. Hendrick

01:44:43 Rep. Wagner

01:45:31 Rep. Hendrick

**Closing by Sponsor:**

01:45:53 Rep. Hendrick  
01:46:43 Chairman Peterson  
01:47:23 Meeting recessed until 10:05  
02:00:41 Meeting resumed with Rep. O'Hara, Rep. Howard not present.

**EXECUTIVE ACTION ON HB 12**

02:01:53 **Motion:** Rep. Kerns moved that **HB 12 DO PASS.**

02:03:23 Rep. Skattum exited.

**Discussion:**

02:02:23 Rep. Menahan  
02:03:00 Rep. O'Hara arrived.  
02:03:08 Rep. Kerns  
02:03:32 Rep. Bangerter  
02:03:46 Chairman Peterson  
02:04:14 Rep. Hansen  
02:05:27 Rep. MacDonald  
02:06:31 Rep. Skattum returned.  
02:06:46 Rep. Pease-Lopez  
02:07:44 Rep. Regier  
02:08:42 Chairman Peterson  
  
02:09:18 **Vote:** Motion carried 19-1 by roll call vote with Rep. Kerns voting no. Rep. Howard voted by proxy.  
  
02:10:44 Rep. Howard returned.

**EXECUTIVE ACTION ON HB 14**

02:10:55 **Motion:** Rep. Menahan moved that **HB 14 DO PASS.**

**Discussion:**

02:11:11 Vice Chairman Kerns  
02:11:46 Rep. Menahan  
02:12:32 Rep. Wagner  
02:12:51 Rep. Menahan  
02:13:08 Mr. Niss  
02:15:36 Rep. Wagner  
02:16:34 Rep. Menahan  
02:18:06 Rep. Hansen  
02:18:35 Rep. More  
02:19:26 Rep. Menahan  
02:19:59 Rep. Wagner  
02:20:26 Rep. Menahan



02:20:50 **Vote:** Motion carried 15-5 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no.

**EXECUTIVE ACTION ON HB 27**

02:22:40 **Motion:** Rep. Kerns moved that **HB 27 DO PASS.**

**Discussion:**

02:22:46 Rep. More  
02:23:48 Rep. Sands  
02:24:19 Chairman Peterson  
02:24:49 Rep. Wagner  
02:25:33 Rep. Regier  
02:26:03 Rep. Harris  
02:27:13 Chairman Peterson

02:29:05 **Vote:** Motion failed 5-15 by roll call vote with Rep. Bangerter, Rep. Howard, Rep. O'Hara, Rep. Peterson and Rep. Regier voting aye.

02:29:11 **Motion/Vote:** Rep. Kerns moved that **HB 27 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 67**

02:29:37 **Motion:** Rep. Menahan moved that **HB 67 DO PASS.**

02:29:46 Rep. Menahan asked to segregate Paragraph 1 from Paragraphs 2 and 3 of the amendment.

**EXHIBIT(juh15a01)**

02:31:12 Chairman Peterson

02:33:18 **Motion:** Rep. Menahan moved that **HB 67 BE AMENDED BY ADOPTING ONLY THE FIRST PARAGRAPH OF THE AMENDMENT.**

**Discussion:**

02:34:01 Rep. Regier  
02:34:12 Chairman Peterson

02:34:25 **Vote:** Motion carried unanimously by voice vote.

02:34:42 **Motion:** Rep. Hansen moved that **HB 67 BE AMENDED BY ADOPTING PARAGRAPHS 2 AND 3 OF THE AMENDMENT.**

**Discussion:**

02:35:10 Rep. Hansen  
 02:37:20 Chairman Peterson  
 02:37:37 Rep. Menahan  
 02:39:00 Rep. Bangerter  
 02:40:09 Rep. Howard  
 02:40:50 Rep. Warburton  
 02:41:48 Rep. Menahan  
 02:43:11 Rep. Wagner  
 02:44:16 Rep. Hansen  
 02:44:57 Rep. Harris

02:46:03 **Vote:** Motion carried 19-1 by voice vote with Rep. Menahan voting no.

02:46:22 **Motion:** Rep. Menahan moved that **HB 67 DO PASS AS AMENDED.**

**Discussion:**

02:46:43 Rep. Hansen  
 02:48:19 Rep. Menahan  
 02:48:50 Chairman Peterson  
 02:49:21 Rep. Hansen  
 02:49:26 Rep. Menahan  
 02:49:49 Rep. Hansen  
 02:50:20 Chairman Peterson

02:50:26 **Motion:** Rep. Hansen moved that **HB 67 BE AMENDED TO CHANGE THE ASSESSMENT DEADLINE TO 60 DAYS.**

**Discussion:**

02:50:54 Rep. Menahan  
 02:51:18 Rep. Howard  
 02:51:54 Rep. Menahan

02:52:03 **Substitute Motion/Vote:** Rep. Menahan made a substitute motion that **HB 67 BE POSTPONED FOR THE DAY TO ALLOW FURTHER DISCUSSION.**  
 Substitute Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 69**

02:53:22 **Motion:** Rep. Menahan moved that **HB 69 DO PASS.**

**Discussion:**

02:53:59 Rep. More  
 02:55:14 Rep. Howard  
 02:55:41 Vice Chairman Kerns

02:55:56 Rep. Menahan  
02:57:21 Rep. Warburton  
02:58:27 Rep. Menahan  
02:59:50 Rep. MacDonald  
03:00:17 Rep. Menahan  
03:00:41 Rep. Hill  
03:01:02 Rep. Hansen

03:04:23 **Vote:** Motion carried 15-5 by roll call vote with Rep. Kerns, Rep. More, Rep. Pease-Lopez, Rep. Wagner and Rep. Warburton voting no.

### **EXECUTIVE ACTION ON HB 126**

03:05:44 **Motion:** Rep. Hansen moved that **HB 126 DO PASS.**

03:06:04 **Motion:** Rep. Hansen moved that **HB 126 BE AMENDED.**  
**EXHIBIT(juh15a02)**

### **Discussion:**

03:06:29 Rep. Sands  
03:07:05 Rep. Hansen  
03:09:37 Chairman Peterson

03:09:54 **Vote:** Motion carried unanimously by voice vote.

03:10:19 **Motion:** Rep. Hansen moved that **HB 126 DO PASS AS AMENDED.**

03:10:28 Rep. More  
03:10:54 Rep. Sands  
03:11:10 Mr. Niss

03:11:36 **Vote:** Motion carried 19-1 by roll call vote with Rep. Pease-Lopez voting no.

**ADJOURNMENT**

03:13:09      Adjournment: 11:20 am

---

Karen Armstrong, Secretary

ka

Additional Documents:

**EXHIBIT**([juh15aad.pdf](#))

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
62nd LEGISLATURE - REGULAR SESSION**

**HOUSE JUDICIARY COMMITTEE**

**Date:** Thursday, January 20, 2011  
**Place:** Capitol

**Time:** 8:00 AM  
**Room:** 137

**BILLS and RESOLUTIONS HEARD:**

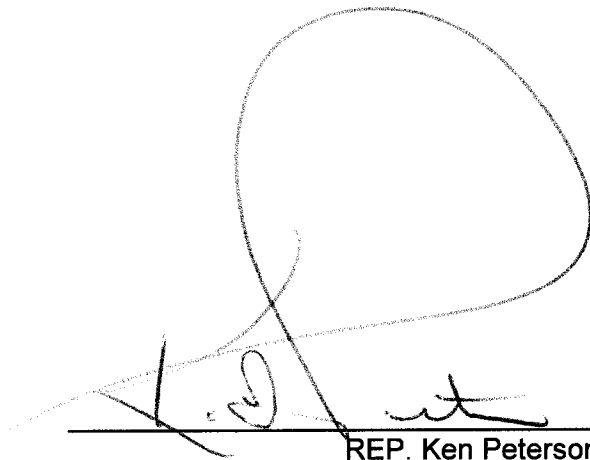
HB 102 - Revise probationary driver's license provisions for DUI court participation  
HB 112 - Clarify liquor laws related to serving underage and intoxicated persons  
HB 146 - Increasing penalties for DUI  
HB 253 - Provide for recovery of costs for DUI conviction

**EXECUTIVE ACTION TAKEN:**

HB 12 Do pass  
HB 14 Do pass  
HB 69 Do pass  
HB 126 Do pass  
HB 27 Tabled

HB 67 postponed

**Comments:**

A large, stylized handwritten signature, likely of Ken Peterson, is written over a horizontal line. The signature is in dark ink and features a large, looping 'P'.

REP. Ken Peterson, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**JUDICIARY COMMITTEE**

DATE: 1/20/2011

| <u>NAME</u>                    | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|--------------------------------|----------------|----------------------------|
| REP. KEN PETERSON, CHAIR       | ✓              |                            |
| REP. KRAYTON KERNS, VICE CHAIR | ✓              |                            |
| REP. DIANE SANDS, VICE CHAIR   |                | ✓                          |
| REP. MIKE MENAHAN              |                | ✓                          |
| REP. ROBYN DRISCOLL            | ✓              |                            |
| REP. KEITH REGIER              | ✓              |                            |
| REP. DAN SKATTUM               | ✓              |                            |
| REP. CLEVE LONEY               | ✓              |                            |
| REP. MARGARET MACDONALD        | ✓              |                            |
| REP. CAROLYN PEASE-LOPEZ       | ✓              |                            |
| REP. MICHAEL MORE              | ✓              |                            |
| REP. LIZ BANGERTER             | ✓              |                            |
| REP. WENDY WARBURTON           | ✓              |                            |
| REP. BOB WAGNER                | ✓              |                            |
| REP. ELLIE BOLDMAN HILL        | ✓              |                            |
| REP. BILL HARRIS               | ✓              |                            |
| REP. KRISTIN HANSEN            | ✓              |                            |
| REP. DAVID HOWARD              | ✓              |                            |
| REP. JESSE O'HARA              | ✓              |                            |
| REP. JOE READ                  | ✓              |                            |



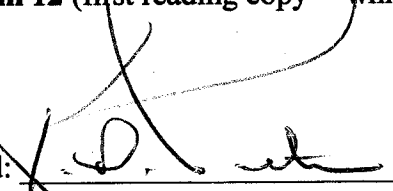
## HOUSE STANDING COMMITTEE REPORT

January 20, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 12** (first reading copy -- white) do pass.

Signed: 

*Representative Ken Peterson, Chair*

- END -

**Committee Vote:**

**Yes 19, No 1**

Fiscal Note Required ☐

HB0012001SC.hgh

*JP 1/20/11  
LPM*



## HOUSE STANDING COMMITTEE REPORT

January 20, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 14** (first reading copy -- white) do pass.

Signed: 

*Representative Ken Peterson, Chair*

- END -

**Committee Vote:**

**Yes 15, No 5**

Fiscal Note Required ☐

HB0014001SC.hgh

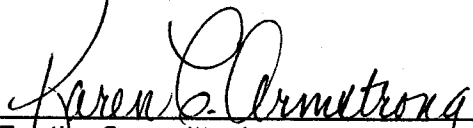
*JA 1/20/11  
1PM*



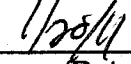
## BILL TABLED NOTICE

### HOUSE JUDICIARY COMMITTEE

The HOUSE JUDICIARY COMMITTEE TABLED HB 27 - Place notation of DUI on driver's license, by motion, on Thursday, January 20, 2011.

  
(For the Committee)

  
(For the Chief Clerk of the House)

 1pm  
(Time)  1/20/11  
(Date)

January 20, 2011

Karen Armstrong, Secretary

Phone: (406) 444-4607



## HOUSE STANDING COMMITTEE REPORT

January 20, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 69** (first reading copy -- white) do pass.

Signed: 

*Representative Ken Peterson, Chair*

- END -

**Committee Vote:**

**Yes 15, No 5**

Fiscal Note Required ☐

HB0069001SC.hgh

*Handwritten:* 1/20/11  
1pm



## HOUSE STANDING COMMITTEE REPORT

January 20, 2011

Page 1 of 1

Mr. Speaker:

We, your committee on **Judiciary** recommend that **House Bill 126** (first reading copy -- white) do pass as amended.

Signed.

*Representative Ken Peterson, Chair*

**And, that such amendments read:**

1. Page 3, line 8.

**Following:** "45 and 46."

**Insert:** "If a youth is acquitted in district court of an offense enumerated in subsection (1), the district court shall sentence the youth pursuant to Title 41 for any remaining offense for which the youth is found guilty."

- END -

**Committee Vote:**

**Yes 19, No 1**

Fiscal Note Required ☐

HB0126001SC.hgh

*1/20/11  
1pm*

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 1/20/2011 BILL NO. 12 MOTION NO. \_\_\_\_\_  
MOTION: \_\_\_\_\_

| NAME                           | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|--------------------------------|-----|----|--------------------------------------------------------------------|
| REP. KRAYTON KERNS, VICE CHAIR |     | ✓  |                                                                    |
| REP. DIANE SANDS, VICE CHAIR   | ✓   |    |                                                                    |
| REP. MIKE MENAHAN              | ✓   |    |                                                                    |
| REP. ROBYN DRISCOLL            | ✓   |    |                                                                    |
| REP. KEITH REGIER              | ✓   |    |                                                                    |
| REP. DAN SKATTUM               | ✓   |    |                                                                    |
| REP. CLEVE LONEY               | ✓   |    |                                                                    |
| REP. MARGARET MACDONALD        | ✓   |    |                                                                    |
| REP. PEASE-LOPEZ               | ✓   |    |                                                                    |
| REP. MICHAEL MORE              | ✓   |    |                                                                    |
| REP. LIZ BANGERTER             | ✓   |    |                                                                    |
| REP. WENDY WARBURTON           | ✓   |    |                                                                    |
| REP. BOB WAGNER                | ✓   |    |                                                                    |
| REP. ELLIE BOLDMAN HILL        | ✓   |    |                                                                    |
| REP. BILL HARRIS               | ✓   |    |                                                                    |
| REP. KRISTIN HANSEN            | ✓   |    |                                                                    |
| REP. DAVID HOWARD              | ✓   |    | ✓ proxy                                                            |
| REP. JESSE O'HARA              | ✓   |    |                                                                    |
| REP. JOE READ                  | ✓   |    |                                                                    |
| REP. KEN PETERSON, CHAIR       | ✓   |    |                                                                    |

19

1

**AUTHORIZED  
COMMITTEE PROXY**

I request to be excused from the

Judiciary

Committee because of other commitments. I desire to leave my proxy vote with:

Vice Chairman Ferris

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

|    |   |  |
|----|---|--|
| 12 | X |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |
|    |   |  |

BILL/AMENDMENT

AYE NO

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Rep.

David Howard

(Signature)

Date

1-20-11

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 1/20/2011 BILL NO 14 MOTION NO. \_\_\_\_\_  
MOTION: \_\_\_\_\_

| <u>NAME</u>                      | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|----------------------------------|-----|----|--------------------------------------------------------------------|
| x REP. KRAYTON KERNS, VICE CHAIR |     | ✓  |                                                                    |
| REP. DIANE SANDS, VICE CHAIR     | ✓   |    |                                                                    |
| REP. MIKE MENAHAN                | ✓   |    |                                                                    |
| REP. ROBYN DRISCOLL              | ✓   |    |                                                                    |
| REP. KEITH REGIER                | ✓   |    |                                                                    |
| REP. DAN SKATTUM                 |     | ✓  |                                                                    |
| REP. CLEVE LONEY                 | ✓   |    |                                                                    |
| REP. MARGARET MACDONALD          | ✓   |    |                                                                    |
| REP. PEASE-LOPEZ                 | ✓   |    |                                                                    |
| REP. MICHAEL MORE                | ✓   |    |                                                                    |
| REP. LIZ BANGERTER               | ✓   |    |                                                                    |
| REP. WENDY Warburton             |     | ✓  |                                                                    |
| REP. BOB WAGNER                  |     | ✓  |                                                                    |
| REP. ELLIE BOLDMAN HILL          | ✓   |    |                                                                    |
| REP. BILL HARRIS                 | ✓   |    |                                                                    |
| REP. KRISTIN HANSEN              | ✓   |    |                                                                    |
| REP. DAVID HOWARD                |     | ✓  |                                                                    |
| REP. JESSE O'HARA                | ✓   |    |                                                                    |
| REP. JOE READ                    | ✓   |    |                                                                    |
| REP. KEN PETERSON, CHAIR         | ✓   |    |                                                                    |

15

5

# HOUSE OF REPRESENTATIVES

## Roll Call Vote

### JUDICIARY COMMITTEE

DATE: 1/20/2011 BILL NO. 27 MOTION NO. failed  
 MOTION: \_\_\_\_\_

| NAME                           | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|--------------------------------|-----|----|--------------------------------------------------------------------|
| REP. KRAYTON KERNS, VICE CHAIR |     | ✓  |                                                                    |
| REP. DIANE SANDS, VICE CHAIR   |     | ✓  |                                                                    |
| REP. MIKE MENAHAN              |     | ✓  |                                                                    |
| REP. ROBYN DRISCOLL            |     | ✓  |                                                                    |
| REP. KEITH REGIER              | ✓   |    |                                                                    |
| REP. DAN SKATTUM               |     | ✓  |                                                                    |
| REP. CLEVE LONEY               |     | ✓  |                                                                    |
| REP. MARGARET MACDONALD        |     | ✓  |                                                                    |
| REP. PEASE-LOPEZ               |     | ✓  |                                                                    |
| REP. MICHAEL MORE              |     | ✓  |                                                                    |
| REP. LIZ BANGERTER             | ✓   |    |                                                                    |
| REP. WENDY WARBURTON           |     | ✓  |                                                                    |
| REP. BOB WAGNER                |     | ✓  |                                                                    |
| REP. ELLIE BOLDMAN HILL        |     | ✓  |                                                                    |
| REP. BILL HARRIS               |     | ✓  |                                                                    |
| REP. KRISTIN HANSEN            |     | ✓  |                                                                    |
| REP. DAVID HOWARD              | ✓   |    |                                                                    |
| REP. JESSE O'HARA              | ✓   |    |                                                                    |
| REP. JOE READ                  |     | ✓  |                                                                    |
| REP. KEN PETERSON, CHAIR       | ✓   |    |                                                                    |

5 15

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: 1/20/2011 BILL NO 69 MOTION NO. ~~amendment 1~~ passed  
MOTION: \_\_\_\_\_

| NAME                           | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|--------------------------------|-----|----|--------------------------------------------------------------------|
| REP. KRAYTON KERNS, VICE CHAIR |     | ✓  |                                                                    |
| REP. DIANE SANDS, VICE CHAIR   | ✓   |    |                                                                    |
| REP. MIKE MENAHAN              | ✓   |    |                                                                    |
| REP. ROBYN DRISCOLL            | ✓   |    |                                                                    |
| REP. KEITH REGIER              | ✓   |    |                                                                    |
| REP. DAN SKATTUM               | ✓   |    |                                                                    |
| REP. CLEVE LONEY               | ✓   |    |                                                                    |
| REP. MARGARET MACDONALD        | ✓   |    |                                                                    |
| REP. PEASE-LOPEZ               |     | ✓  |                                                                    |
| REP. MICHAEL MORE              |     | ✓  |                                                                    |
| REP. LIZ BANGERTER             | ✓   |    |                                                                    |
| REP. WENDY WARBURTON           |     | ✓  |                                                                    |
| REP. BOB WAGNER                |     | ✓  |                                                                    |
| REP. ELLIE BOLDMAN HILL        | ✓   |    |                                                                    |
| REP. BILL HARRIS               | ✓   |    |                                                                    |
| REP. KRISTIN HANSEN            | ✓   |    |                                                                    |
| REP. DAVID HOWARD              | ✓   |    |                                                                    |
| REP. JESSE O'HARA              | ✓   |    |                                                                    |
| REP. JOE READ                  | ✓   |    |                                                                    |
| REP. KEN PETERSON, CHAIR       | ✓   |    |                                                                    |

15      5



**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**JUDICIARY COMMITTEE**

DATE: \_\_\_\_\_ BILL NO 126 MOTION NO ~~126~~  
MOTION: \_\_\_\_\_

| <u>NAME</u>                    | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|--------------------------------|-----|----|--------------------------------------------------------------------|
| REP. KRAYTON KERNS, VICE CHAIR | ✓   |    |                                                                    |
| REP. DIANE SANDS, VICE CHAIR   | ✓   |    |                                                                    |
| REP. MIKE MENAHAN              | ✓   |    |                                                                    |
| REP. ROBYN DRISCOLL            | ✓   |    |                                                                    |
| REP. KEITH REGIER              | ✓   |    |                                                                    |
| REP. DAN SKATTUM               | ✓   |    |                                                                    |
| REP. CLEVE LONEY               | ✓   |    |                                                                    |
| REP. MARGARET MACDONALD        | ✓   |    |                                                                    |
| REP. PEASE-LOPEZ               |     | ✓  |                                                                    |
| REP. MICHAEL MORE              | ✓   |    |                                                                    |
| REP. LIZ BANGERTER             | ✓   |    |                                                                    |
| REP. WENDY Warburton           | ✓   |    |                                                                    |
| REP. BOB WAGNER                | ✓   |    |                                                                    |
| REP. ELLIE BOLDMAN HILL        | ✓   |    |                                                                    |
| REP. BILL HARRIS               | ✓   |    |                                                                    |
| REP. KRISTIN HANSEN            | ✓   |    |                                                                    |
| REP. DAVID HOWARD              | ✓   |    |                                                                    |
| REP. JESSE O'HARA              | ✓   |    |                                                                    |
| REP. JOE READ                  | ✓   |    |                                                                    |
| REP. KEN PETERSON, CHAIR       | ✓   |    |                                                                    |

19 1

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 20, 2011**

## HB 102 - Revise probationary driver's license provisions for DUI court participation

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 20, 2011**

## HB 112 - Clarify liquor laws related to serving underage and intoxicated persons

**Sponsor: Representative Timothy Furey**

**PLEASE PRINT**[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 20, 2011**

## HB 146 - Increasing penalties for DUI

**Sponsor: Representative Ken Peterson**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

# MONTANA House of Representatives

# Visitors Register

**HOUSE JUDICIARY COMMITTEE**

**Thursday, January 20, 2011**

### HB 253 - Provide for recovery of costs for DUI conviction

**Sponsor: Representative Gordon Hendrick**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on March 9, 2011 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Excused:** Sen. Jeff Essmann (R)  
Sen. Lynda Moss (D)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 12, 2/28/2011; HB 69, 2/28/2011; HB 102, 2/28/2011

Executive Action: HB 12-Be Concurred In, HB 69-Be Concurred In As Amended, HB 102-Be Concurred In-Withdrew Motion, HB 250-Be Concurred In As Amended-Withdrew Motion, HB 235-Tabled, HB 360-Tabled, HB 412-Tabled

**HEARING ON HB 12**

**Opening Statement by Sponsor:**

00:01:31 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 12, Provide one-year jurisdiction for misdemeanor DUI/BAC offenses.

**EXHIBIT(jus53a01)**

Exhibit from Valencia Lane, Legislative Services Division (LSD) regarding bill conflict with HB 299

**Proponents' Testimony:**

00:06:45 Col. Mike Tooley, Chief, Montana Highway Patrol (MHP), Department of Justice (DOJ), State of Montana

00:07:40 Larry Epstein, Montana County Attorneys Association (MCAA), Montana Association of Chiefs of Police (MACOP), Montana Police Protective Association (MPPA), also for Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:08:40 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:09:27 Jane Hamman, Montana Traffic Education Association (MTEA)

**Opponents' Testimony:**

None

**Informational Testimony:**

00:10:09 Vicki Turner, Director, Prevention Resource Division, Department Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

00:10:33 Sen. Shockley

00:11:33 Rep. Menahan

00:12:50 Sen. Jent

00:13:24 Sen. Shockley

00:13:46 Rep. Menahan

00:14:44 Sen. Hinkle

00:15:09 Rep. Menahan

00:16:54 Sen. Jent

00:17:03 Rep. Menahan

**Closing by Sponsor:**

00:19:13 Rep. Menahan

(Introduction of Colter Mahlum, Big Fork, Montana, who served as page for the committee, sponsored by Sen. Buttrey)

**HEARING ON HB 69**

**Opening Statement by Sponsor:**

00:20:51 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 69, Revise jail penalties for DUI court participation.

**EXHIBIT(jus53a02)**

Exhibit from Valencia Lane, LSD, regarding bill conflict with HB 299

**Proponents' Testimony:**

00:27:56 Col. Mike Tooley, MHP, DOJ

00:28:43 Larry Epstein, MCAA, MACOP, also for Jim Smith, MSPOA

00:30:35 Rebecca Sturdevant, MADD

00:31:50 Jane Hamman, MTEA

**Opponents' Testimony:**

None

**Informational Testimony:**

00:32:28 Vicki Turner, DPHHS

**Questions from Committee Members and Responses:**

00:33:15 Sen. Shockley

00:33:21 Col. Tooley

**Closing by Sponsor:**

00:33:56 Rep. Menahan

**HEARING ON HB 102**

**Opening Statement by Sponsor:**

00:35:10 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 102, Revise probationary driver's license provisions for DUI court participation.

**EXHIBIT(jus53a03)**

Exhibit from Ms. Lane, LSD, regarding bill conflict with HB 106, HB 14, HB 299



**Proponents' Testimony:**

00:37:01 Col. Mike Tooley, MHP, DOJ  
00:37:43 Larry Epstein, MCAA, MACOP, MPPA, also for Jim Smith, MSPOA  
00:38:17 Rebecca Sturdevant, MADD  
00:38:37 Jane Hamman, MTEA

**Opponents' Testimony:**

None

**Informational Testimony:**

00:39:05 Vicki Turner, DPHHS

**Questions from Committee Members and Responses:**

None

**Closing by Sponsor:**

00:39:32 Rep. Menahan

Recess

(Sen. Peterson and Sen. Shockley absent from the room)

**EXECUTIVE ACTION ON HB 12**

01:00:37 **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN.**

**Discussion:**

01:00:48 Ms. Lane, LSD

01:02:29 **Vote:** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss, Sen. Peterson and Sen. Shockley voted by proxy. Sen. Blewett will carry the bill.

(Sen. Shockley entered room)

**EXECUTIVE ACTION ON HB 69**

01:02:55 **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN.**

**Discussion:**

01:03:01 Ms. Lane, LSD, informed the committee of a coordinating amendment for Page 1, line 17 to strike "the imprisonment", insert "any" and "subsequently imposed" following the second "sentence".

01:04:21 **Motion/Vote:** Sen. Hinkle moved that **HB 69 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss and Sen. Peterson voted by proxy.

01:04:56 **Motion/Vote:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann, Sen. Moss and Sen. Peterson voted by proxy. Sen. Jent will carry the bill.

(Sen. Peterson entered room)

**EXECUTIVE ACTION ON HB 102**

01:05:30 **Motion:** Sen. Hinkle moved that **HB 102 BE CONCURRED IN.**

**Discussion:**

01:06:00 Ms. Lane, LSD, spoke of a possible coordinating amendment for Page 5, Line 15, 16, 18, insert "2 year" to replace "1 year".

01:08:12 Sen. Jent

01:08:52 Ms. Lane

01:10:20 Sen. Jent

01:11:24 Ms. Lane

01:11:27 Sen. Jent

01:11:30 Sen. Peterson

01:12:17 Sen. Jent

01:13:50 Sen. Peterson

01:14:03 Sen. Jent

01:14:39 Ms. Lane

01:15:33 Sen. Peterson

01:16:28 Sen. Jent

01:17:15 Sen. Peterson

01:18:09 Sen. Jent

01:19:24 Sen. Peterson

01:19:44 Sen. Hinkle **WITHDREW MOTION** that **HB 102 BE CONCURRED IN.**

**EXECUTIVE ACTION ON HB 235**

01:20:57 **Motion:** Sen. Shockley moved that **HB 235 BE CONCURRED IN.**

01:21:01 **Motion:** Sen. Blewett moved that **HB 235 BE AMENDED.**

**EXHIBIT(jus53a04)**

**Discussion:**

01:23:55 Sen. Jent  
01:26:26 Sen. Murphy  
01:27:07 Sen. Peterson  
01:28:01 Sen. Blewett  
01:29:50 Sen. Peterson  
01:30:49 Sen. Shockley  
01:31:58 Sen. Blewett  
01:33:37 Sen. Hinkle

01:33:54 **Substitute Motion/Vote:** Sen. Jent made a substitute motion that **HB 235 BE TABLED.** Substitute Motion carried 10-2 by roll call vote with Sen. Essmann and Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

**EXECUTIVE ACTION ON HB 250**

01:35:55 **Motion:** Sen. Hinkle moved that **HB 250 BE CONCURRED IN.**

**Discussion:**

01:36:07 Sen. Jent  
01:36:48 Sen. Hinkle **WITHDREW MOTION** that **HB 250 BE CONCURRED IN.**

**EXECUTIVE ACTION ON HB 360**

01:37:41 **Motion:** Sen. Hinkle moved that **HB 360 BE CONCURRED IN.**

01:37:57 **Motion/Vote:** Sen. Augare moved that **HB 360 BE AMENDED.** Motion carried unanimously by roll call vote. Sen. Essmann and Sen. Moss voted by proxy.

**EXHIBIT(jus53a05)**

01:39:51 **Motion:** Sen. Hinkle moved that **HB 360 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:40:00 Sen. Augare  
01:40:35 Ms. Lane, LSD  
01:40:45 Sen. Augare  
01:41:30 Sen. Shockley  
01:41:53 Sen. Augare  
01:42:20 Sen. Shockley

01:42:35 Ms. Lane, LSD  
01:43:12 Sen. Augare  
01:43:35 Sen. Shockley  
01:43:57 Sen. Murphy

01:44:17 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **HB 360 BE TABLED**. Substitute Motion carried 11-1 by roll call vote with Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

**EXECUTIVE ACTION ON HB 412**

01:45:54 **Motion:** Sen. Shockley moved that **HB 412 BE CONCURRED IN**.

01:46:09 **Substitute Motion/Vote:** Sen. Blewett made a substitute motion that **HB 412 BE TABLED**. Substitute Motion carried 10-2 by roll call vote with Sen. Peterson and Sen. Shockley voting no. Sen. Essmann and Sen. Moss voted by proxy.

---

**ADJOURNMENT**

Adjournment: 10:48 A.M.

---

Pam Schindler, Secretary

ps

Additional Documents:

**EXHIBIT**([jus53aad.pdf](#))



EXCISE 2  
DATE 3/9/11  
HB 69

PO BOX 201706  
Helena, MT 59620-1706  
(406) 444-3064  
FAX (406) 444-3036

## Montana Legislative Services Division

### Legal Services Office

TO: Senate Judiciary Committee  
Rep. Menahan  
Rep. Hansen

FROM: Valencia Lane *VL*

DATE: March 8, 2011

RE: Bill Conflict Requiring Your Attention

There is a conflict between:

\* **HB 69** (Menahan -- PROVIDE ONE-YEAR JURISDICTION FOR MISDEMEANOR DUI/BAC OFFENSES -- By Request of Law and Justice Interim Committee) **SENATE JUDICIARY HEARING 3/9/11.**

and

\* **HB 299** (K. Hansen -- MAKE THIRD DUI A FELONY) **Passed 2nd reading and referred to house appropriations 3/7/11.**

Both bills amend 61-8-714, and 61-8-722, MCA, in ways that conflict. These bills need to be coordinated in some way; either by amendment to one of the bills or by a coordination instruction.

Please let me know how you want to proceed.

c: Rep. Ken Peterson, Chairman of House Judiciary Committee  
David Niss  
Ali Bovingdon, Dept. of Justice

**BUSINESS REPORT**  
**MONTANA SENATE**  
**62nd LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Wednesday, March 9, 2011  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

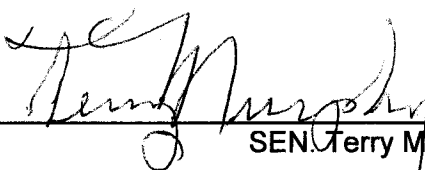
**BILLS and RESOLUTIONS HEARD:**

HB 12 - Provide one-year jurisdiction for misdemeanor DUI/BAC offenses  
HB 69 - Revise jail penalties for DUI court participation  
HB 102 - Revise probationary driver's license provisions for DUI court participation

**EXECUTIVE ACTION TAKEN:**

HB 12-Be Concurred In  
HB 69-Be Concurred In As Amended  
HB 102-Be Concurred In-Withdrew Motion  
HB 250-Be Concurred In As Amended-Withdrew Motion  
HB 235-Tabled  
HB 360-Tabled  
HB 412-Tabled

**Comments:**

  
\_\_\_\_\_  
SEN. Terry Murphy, Chair

# MONTANA STATE SENATE

## ROLL CALL

### 2011 JUDICIARY COMMITTEE

DATE: 3/4/11

| <u>NAME</u>                 | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------------|----------------|----------------------------|
| CHAIRMAN, TERRY MURPHY      | /              |                            |
| VICE CHAIRMAN, JIM SHOCKLEY | /              |                            |
| SENATOR JEFF ESSMANN        |                | /                          |
| SENATOR SHANNON AUGARE      | /              |                            |
| SENATOR ANDERS BLEWETT      | /              |                            |
| SENATOR GREG HINKLE         | /              |                            |
| SENATOR ROWLIE HUTTON       | /              |                            |
| SENATOR LARRY JENT          | /              |                            |
| SENATOR CLIFF LARSEN        | /              |                            |
| SENATOR LYNDA MOSS          |                | /                          |
| SENATOR JIM PETERSON        | /              |                            |
| SENATOR CHAS VINCENT        | /              |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |



## BILL TABLED NOTICE

### SENATE JUDICIARY COMMITTEE

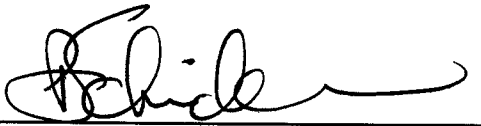
The **SENATE JUDICIARY COMMITTEE** TABLED

**HB 235 - Allow parties to liens to enter into arbitration**

**HB 360 - Criminalize passengers failure to report certain motor vehicle accidents**

**HB 412 - Disclosure of financial support of civil suits against industrial operations**

, by motion, on **Wednesday, March 9, 2011.**



\_\_\_\_\_  
(For the Committee)



\_\_\_\_\_  
(For the Secretary of the Senate)

11:15 / 3/9/11  
(Time) (Date)

March 9, 2011

Pam Schindler, Secretary

Phone: 444-4891  
-----



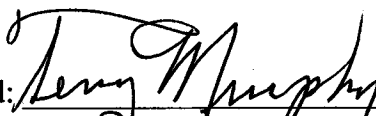
## SENATE STANDING COMMITTEE REPORT

March 9, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 12** (third reading copy -- blue) be **concurred in**.

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Anders Blewett

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☒

HB0012001SC06460.sdr

OK



## SENATE STANDING COMMITTEE REPORT

March 9, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 69** (third reading copy -- blue) be concurred in as amended.

Signed: *Terry Murphy*  
Senator Terry Murphy, Chair

To be carried by Senator Larry Jent

**And, that such amendments read:**

1. Page 1, line 17.

**Following:** "and"

**Strike:** "the imprisonment"

**Insert:** "any"

**Following:** the second "sentence"

**Insert:** "subsequently imposed"

- END -

**Committee Vote:**

**Yes 12, No 0**

**Fiscal Note Required** \_\_

HB0069001SC01432.sdr

OK

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO H812 MOTION NO. 1 5

MOTION: ReConcurrence Du (Blewett)

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDA MOSS     | —   |    | —                                                                  |
| SENATOR CHAS VINCENT   | —   |    |                                                                    |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    | —                                                                  |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO. HB69 MOTION NO. 2

MOTION: amendment (page 1 line 17)

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|------------|-----------|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | -          |           |                                                                    |
| SENATOR LYNDIA MOSS    | -          |           | -                                                                  |
| SENATOR CHAS VINCENT   | -          |           |                                                                    |
| SENATOR LARRY JENT     | -          |           |                                                                    |
| SENATOR ANDERS BLEWETT | -          |           |                                                                    |
| SENATOR SHANNON AUGARE | -          |           |                                                                    |
| SENATOR CLIFF LARSEN   | -          |           |                                                                    |
| SENATOR ROWLIE HUTTON  | -          |           |                                                                    |
| SENATOR JIM PETERSON   | -          |           | -                                                                  |
| VICE CHAIRMAN SHOCKLEY | -          |           |                                                                    |
| SENATOR JEFF ESSMANN   | -          |           | -                                                                  |
| CHAIRMAN MURPHY        | -          |           |                                                                    |
|                        |            |           |                                                                    |
|                        |            |           |                                                                    |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO HB 69 MOTION NO. 3

MOTION: Be Concurred In As Amended

*(Sent)*

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —          |           |                                                                               |
| SENATOR LYNDIA MOSS    | —          |           | —                                                                             |
| SENATOR CHAS VINCENT   | —          |           |                                                                               |
| SENATOR LARRY JENT     | —          |           |                                                                               |
| SENATOR ANDERS BLEWETT | —          |           |                                                                               |
| SENATOR SHANNON AUGARE | —          |           |                                                                               |
| SENATOR CLIFF LARSEN   | —          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | —          |           |                                                                               |
| SENATOR JIM PETERSON   | —          |           | —                                                                             |
| VICE CHAIRMAN SHOCKLEY | —          |           |                                                                               |
| SENATOR JEFF ESSMANN   | —          |           | —                                                                             |
| CHAIRMAN MURPHY        | —          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO HB235 MOTION NO. 2

MOTION: Table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | /          |           |                                                                               |
| SENATOR LYNDA MOSS     | /          |           | /                                                                             |
| SENATOR CHAS VINCENT   | /          |           |                                                                               |
| SENATOR LARRY JENT     | /          |           |                                                                               |
| SENATOR ANDERS BLEWETT | /          |           |                                                                               |
| SENATOR SHANNON AUGARE | /          |           |                                                                               |
| SENATOR CLIFF LARSEN   | /          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | /          |           |                                                                               |
| SENATOR JIM PETERSON   | /          |           |                                                                               |
| VICE CHAIRMAN SHOCKLEY |            | /         |                                                                               |
| SENATOR JEFF ESSMANN   |            | /         | /                                                                             |
| CHAIRMAN MURPHY        | /          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

10/2

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO HB 360 MOTION NO. 2

MOTION: amendment 36003.gvl

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | /          |           |                                                                               |
| SENATOR LYNDIA MOSS    | /          |           | /                                                                             |
| SENATOR CHAS VINCENT   | /          |           |                                                                               |
| SENATOR LARRY JENT     | /          |           |                                                                               |
| SENATOR ANDERS BLEWETT | /          |           |                                                                               |
| SENATOR SHANNON AUGARE | /          |           |                                                                               |
| SENATOR CLIFF LARSEN   | /          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | /          |           |                                                                               |
| SENATOR JIM PETERSON   | /          |           |                                                                               |
| VICE CHAIRMAN SHOCKLEY | /          |           |                                                                               |
| SENATOR JEFF ESSMANN   | /          |           | /                                                                             |
| CHAIRMAN MURPHY        | /          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0



# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO HB 360 MOTION NO. 3

MOTION: Table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | /          |           |                                                                               |
| SENATOR LYNDIA MOSS    | /          |           | /                                                                             |
| SENATOR CHAS VINCENT   | /          |           |                                                                               |
| SENATOR LARRY JENT     | /          |           |                                                                               |
| SENATOR ANDERS BLEWETT | /          |           |                                                                               |
| SENATOR SHANNON AUGARE | /          |           |                                                                               |
| SENATOR CLIFF LARSEN   | /          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | /          |           |                                                                               |
| SENATOR JIM PETERSON   | /          |           |                                                                               |
| VICE CHAIRMAN SHOCKLEY |            | /         |                                                                               |
| SENATOR JEFF ESSMANN   | /          |           | /                                                                             |
| CHAIRMAN MURPHY        | /          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

11/1

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/9/11 BILL NO HB412 MOTION NO. 1

MOTION: Table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —          |           |                                                                               |
| SENATOR LYNDA MOSS     | —          |           | —                                                                             |
| SENATOR CHAS VINCENT   | —          |           |                                                                               |
| SENATOR LARRY JENT     | —          |           |                                                                               |
| SENATOR ANDERS BLEWETT | —          |           |                                                                               |
| SENATOR SHANNON AUGARE | —          |           |                                                                               |
| SENATOR CLIFF LARSEN   | —          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | —          |           |                                                                               |
| SENATOR JIM PETERSON   |            | —         |                                                                               |
| VICE CHAIRMAN SHOCKLEY |            | —         |                                                                               |
| SENATOR JEFF ESSMANN   | —          |           | —                                                                             |
| CHAIRMAN MURPHY        | —          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

10/2

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jeff Essmann, request to be excused from the

## JUDICIARY COMMITTEE

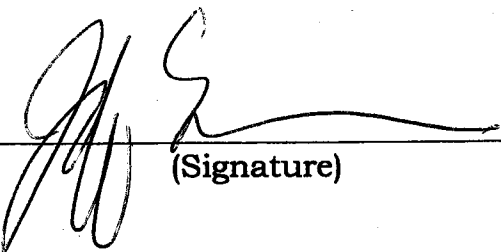
due to my other commitment. I desire to leave my proxy vote with:

Sen. Whittle / Sen. Shockley

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT         | AYE | NO |
|------------------------|-----|----|
| 3/9/11                 |     |    |
| HB 12 Reconciled In    | X   |    |
| HB 69 Amendment        | X   |    |
| HB 69 Reconciled Amend | X   |    |
| HB 235 Table           |     | X  |
| HB 360 Amendment       | X   |    |
| HB 360 Table           | X   |    |
| HB 412 Table           | X   |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |
|                        |     |    |

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |

Sen.   
(Signature)

Date 3/9/11

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Lynda Moss, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with:

Sen. Jent / [REDACTED]

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT                      AYE      NO

BILL/AMENDMENT                      AYE      NO

|                        |   |  |
|------------------------|---|--|
| 125/11 SB 40-Tabled    | X |  |
|                        |   |  |
| 3/9/11                 |   |  |
| HB 12                  | X |  |
| HB 69 Amendment        | X |  |
| HB 69 Relinquish Amend | X |  |
| HB 235 Tabled          | X |  |
| HB 362 Amendment       | X |  |
| HB 360 Tabled          | X |  |
| HB 412 Tabled          | X |  |
|                        |   |  |
|                        |   |  |
|                        |   |  |
|                        |   |  |

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Sen. [Signature]  
(Signature)

Date \_\_\_\_\_

(Sen. Moss)

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jim Peterson, request to be excused from the

## Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

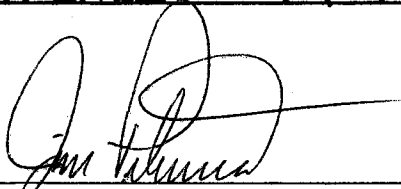
Vice Chair Terry Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT     | AYE | NO |
|--------------------|-----|----|
| <u>2/18/11</u>     |     |    |
| SB 61 Table        | X   |    |
| SB 121 Table       | X   |    |
| SB 123 Table       | X   |    |
| SB 334 Table       | X   |    |
| SB 344 amend       | X   |    |
| SB 344 Table       |     | X  |
| SB 347 amend       | X   |    |
| SB 347 Draft Amend | X   |    |
| SB 324 Draft       | X   |    |
| SB 308 amend       | X   |    |
| SB 308 Draft Amend |     | X  |
| SB 308 Table       | X   |    |
| SB 276 Draft       | X   |    |

| BILL/AMENDMENT       | AYE | NO |
|----------------------|-----|----|
| <u>3/3/11</u>        |     |    |
| HB 65 Concurrence    | X   |    |
| HB 97 Concurrence    | X   |    |
| <u>3/4/11</u>        |     |    |
| HB 96 Reconcurrence  | X   |    |
| HB 114 Reconcurrence | X   |    |
| HB 71 Reconcurrence  | X   |    |
| HB 106 Reconcurrence | X   |    |
| <u>3/9/11</u>        |     |    |
| HB 12 Reconcurrence  | X   |    |
| HB 69 Amendment      | X   |    |
| HB 69 Reconcurrence  | X   |    |

Sen. \_\_\_\_\_

  
(Signature)

Date \_\_\_\_\_

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jim Shockley  
~~Jeff Essman~~, request to be excused from the

## JUDICIARY COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Jim Shockley Gary Hinkel

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT

AYE NO

BILL/AMENDMENT

AYE NO

2/15/11

|                       |   |   |
|-----------------------|---|---|
| SB 169                | X |   |
| SJ2 - Amend           | X |   |
| SJ2 - DePaulina       | X |   |
| SJ2 - Table           | X |   |
| SB 169 - Remove (unc) | X |   |
| SB 169 - DePaulina    | X |   |
| SB 262 - DePaulina    |   | X |
| 3/9/11                |   |   |
| HB 12 - DePaulina     | X |   |
|                       |   |   |
|                       |   |   |
|                       |   |   |
|                       |   |   |
|                       |   |   |

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Sen. \_\_\_\_\_

(Signature)

Date 15 FEB 2011

**SENATE JUDICIARY COMMITTEE**

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

**SENATE JUDICIARY COMMITTEE**

**Sponsor: Representative Mike Menahan**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**



**SENATE JUDICIARY COMMITTEE**

**Sponsor: Representative Mike Menahan**

**PLEASE PRINT**

[illegible]

**Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.**

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Terry Murphy, on March 24, 2011 at 9:00 AM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Terry Murphy, Chair (R)  
Sen. Jim Shockley, Vice Chair (R)  
Sen. Shannon Augare (D)  
Sen. Anders Blewett (D)  
Sen. Jeff Essmann (R)  
Sen. Greg Hinkle (R)  
Sen. Rowlie Hutton (R)  
Sen. Larry Jent (D)  
Sen. Cliff Larsen (D)  
Sen. Lynda Moss (D)

**Members Excused:** Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**Members Absent:** None

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Executive Action: HB 203-Tabled, HB 379-Tabled, HB 448-Tabled,  
HJ 14-Tabled, SB 154-Tabled, SB 170-Tabled, HB 269-Be  
Concurred In, HB 185-Be Concurred In, HB 102-Be  
Concurred In, HB 480-Be Concurred In, HB 167-Be  
Concurred In As Amended, HB 12-Be Concurred In As  
Amended, HB 69-Be Concurred In As Amended, HB 106-  
Be Concurred In As Amended

00:02:59 Chairman Murphy

**EXECUTIVE ACTION ON HB 203**

(Sen. Moss absent from room)

**EXHIBIT(jus66a01)**

Exhibit from Rep. Menahan regarding HB 203 heard 3/23/11

00:03:52 **Motion:** Sen. Blewett moved that **HB 203 BE CONCURRED IN.**

**Discussion:**

00:06:48 Sen. Shockley

00:10:49 Sen. Jent

00:14:32 Sen. Blewett

00:15:27 Sen. Shockley

00:16:04 Sen. Jent

00:19:36 Sen. Blewett

00:23:01 Sen. Shockley

00:23:40 Sen. Hinkle

00:24:26 Sen. Essmann

00:24:48 **Vote:** Motion failed 4-8 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Larsen and Sen. Moss voting aye. Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Without Objection motion to reverse the vote and table carried.

**EXECUTIVE ACTION ON HB 269**

(Sen. Larsen absent from room)

00:27:51 **Motion/Vote:** Sen. Hinkle moved that **HB 269 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Larsen, Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

**EXECUTIVE ACTION ON HB 185**

00:29:27 **Motion/Vote:** Sen. Hinkle moved that **HB 185 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Larsen, Sen. Moss, Sen. Peterson and Sen. Vincent voted by proxy. Sen. Hutton will carry the bill.

**EXECUTIVE ACTION ON HB 167**

(Sen. Moss and Sen. Larsen return to the room, Sen. Shockley absent from the room)

00:31:04      **Motion:** Sen. Hinkle moved that **HB 167 BE CONCURRED IN.**

00:31:45      **Motion:** Sen. Hutton moved that **HB 167 BE AMENDED.**

**EXHIBIT(jus66a02)**

**Discussion:**

00:32:23      Valencia Lane, Legislative Services Division (LSD)

00:34:14      **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:34:16      **Motion:** Sen. Hinkle moved that **HB 167 BE CONCURRED IN AS AMENDED.**

(Sen. Shockley returned to the room)

**Discussion:**

00:34:31      Sen. Blewett

00:35:24      Sen. Hinkle

00:36:03      Sen. Hutton

00:36:51      Sen. Augare

00:37:58      Sen. Larsen

00:38:30      Sen. Moss

00:39:32      Sen. Hutton

00:40:20      Sen. Jent

00:41:52      **Vote:** Motion carried 7-5 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Jent, Sen. Larsen and Sen. Moss voting no. Sen. Peterson and Sen. Vincent voted by proxy. Sen. Zinke will carry the bill.

**EXECUTIVE ACTION ON HB 12**

(Sen. Essmann and Sen. Shockley absent from the room)

00:44:36      **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN.**

00:44:53      **Motion:** Sen. Jent moved that **HB 12 BE AMENDED.**

**EXHIBIT(jus66a03)**

**Discussion:**

00:45:13      Sen. Jent

00:50:05      Ms. Lane

(00:52:21     **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Essmann, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:52:24     **Motion:** Sen. Hinkle moved that **HB 12 BE CONCURRED IN AS AMENDED.**

(Sen. Essmann and Sen. Shockley returned to room)

**Discussion:**

00:52:34     Sen. Moss

00:53:46     Sen. Jent

00:54:58     Sen. Moss

00:55:00     **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Peterson and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

**EXECUTIVE ACTION ON HB 69**

00:55:20     **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN.**

00:55:45     **Motion:** Sen. Jent moved that **HB 69 BE AMENDED.**

[\*\*EXHIBIT\(jus66a04\)\*\*](#)

(Sen. Shockley absent from the room)

**Discussion:**

00:56:31     Sen. Jent

00:57:22     Ms. Lane

00:57:53     Sen. Jent

00:57:58     Ms. Lane

00:58:25     **Vote:** Motion carried 11-1 by roll call vote with Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

00:59:22     **Motion:** Sen. Hinkle moved that **HB 69 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:59:34     Sen. Moss

01:00:56     **Vote:** Motion carried 10-2 by roll call vote with Sen. Larsen and Sen. Moss voting no. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

**EXECUTIVE ACTION ON HB 106**

01:01:25 **Motion:** Sen. Jent moved that **HB 106 BE CONCURRED IN.**

01:01:54 **Motion/Vote:** Sen. Hinkle moved that **HB 106 BE AMENDED.** Motion carried by roll call vote unanimously. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

**EXHIBIT(jus66a05)**

01:03:42 **Motion/Vote:** Sen. Hinkle moved that **HB 106 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by roll call vote. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Jent will carry the bill.

01:05:15 Chairman Murphy

**EXECUTIVE ACTION ON HB 102**

01:05:40 **Motion:** Sen. Hinkle moved that **HB 102 BE CONCURRED IN.**

**Discussion:**

01:05:58 Sen. Moss

01:06:15 Ms. Lane

01:06:52 **Vote:** Motion carried unanimously by roll call vote. Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Hinkle will carry the bill.

01:07:38 Ms. Lane

(Recess)

(Sen. Moss, Sen. Jent, Sen. Blewett, Sen. Larsen absent from the room)

**EXECUTIVE ACTION ON HB 379**

01:30:05 **Motion/Vote:** Sen. Hinkle moved that **HB 379 BE CONCURRED IN.** Motion failed 6-6 by roll call vote with Sen. Augare, Sen. Blewett, Sen. Essmann, Sen. Jent, Sen. Larsen and Sen. Moss voting aye. Sen. Blewett, Sen. Hutton, Sen. Jent, Sen. Larsen, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

01:31:36 **Motion/Vote:** Sen. Augare moved that **HB 379 BE TABLED.** Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON HB 480**

01:32:41 **Motion/Vote:** Sen. Hinkle moved that **HB 480 BE CONCURRED IN.** Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Sen. Blewett will carry the bill.

**EXECUTIVE ACTION ON HJ 14**

(Sen. Jent returned to room)

01:34:49 **Motion:** Sen. Hinkle moved that **HJ 14 BE CONCURRED IN.**

**Discussion:**

01:35:14 Sen. Jent

01:37:21 **Vote:** Motion failed 4-8 by roll call vote with Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Without objection motion to reverse the vote and table carried.

**EXECUTIVE ACTION ON HB 448**

01:38:03 **Motion:** Sen. Hinkle moved that **HB 448 BE CONCURRED IN.**

**Discussion:**

01:38:35 Sen. Jent

01:42:22 **Vote:** Motion failed 5-7 by roll call vote with Sen. Essmann, Sen. Hinkle, Sen. Hutton, Sen. Murphy and Sen. Vincent voting aye. Sen. Blewett, Sen. Larsen, Sen. Moss, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy. Without objection to reverse the vote and table carried.

(Sen. Moss returned to room)

01:42:51 Chairman Murphy

01:42:56 Sen. Essmann

**EXECUTIVE ACTION ON HB 492**

01:44:04 **Motion:** Sen. Hinkle moved that **HB 492 BE CONCURRED IN.**

**Discussion:**

01:44:42 Sen. Essmann

01:44:56 Sen Hinkle without objection **WITHDREW THE MOTION THAT HB 492 BE CONCURRED IN.**

(Sen. Larsen returned to room)

**EXECUTIVE ACTION ON SB 154**

01:45:11     **Motion/Vote:** Sen. Hinkle moved that **SB 154 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.

**EXECUTIVE ACTION ON SB 170**

01:46:23     **Motion/Vote:** Sen. Hinkle moved that **SB 170 BE TABLED**. Motion carried unanimously by roll call vote. Sen. Blewett, Sen. Jent, Sen. Peterson, Sen. Shockley and Sen. Vincent voted by proxy.



**ADJOURNMENT**

Adjournment: 11:30 A.M.

---

Pam Schindler, Secretary

ps

Additional Documents:

**EXHIBIT([jus66aad.pdf](#))**

EX-101  
DATE 3/24/11  
HB 69

4  
coordinates  
HB 69 and  
HB 12 (as  
amended by  
Sen. Jant's  
amendments)

Amendments to House Bill No. 69  
2nd Reading/2nd House Copy

Requested by Representative Mike Menahan

For the Senate Judiciary Committee

Prepared by Valencia Lane  
March 23, 2011 (3:28pm)

1. Page 1, line 28.

Strike: "1 year"

Insert: "6 months"

2. Page 3, line 10.

Following: "of a"

Insert: "first"

3. Page 3, line 11.

Strike: "1 year"

Insert: "6 months"

4. Page 3, line 13.

Strike: "1 year"

Insert: "6 months"

5. Page 3, line 17.

Strike: "30 days"

Insert: "1 year"

6. Page 3, line 26.

Following: "of a"

Insert: "third"

- END -

1

## HOUSE BILL NO. 69

2

INTRODUCED BY M. MENAHAN

3

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ENCOURAGING DUI COURT PARTICIPATION; REVISING  
6 PENALTIES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; ALLOWING DUI COURTS  
7 TO SUSPEND ALL OR A PORTION OF IMPRISONMENT SENTENCES; DEFINING A DUI COURT; AMENDING  
8 SECTIONS 61-8-714 AND 61-8-722, MCA; AND PROVIDING AN APPLICABILITY DATE."

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

12 NEW SECTION. **Section 1. Suspension of imprisonment sentence for DUI court participation --**  
13 **DUI court defined.** (1) If a person participates in a DUI court, the court may, at the court's discretion, suspend  
14 all or a portion of an imprisonment sentence under 61-8-714 or 61-8-722, except for the mandatory minimum  
15 imprisonment term.

16 (2) If a person participating in a DUI court fails to comply with the conditions imposed by the DUI court,  
17 the court shall revoke the suspended imprisonment sentence and ~~the imprisonment~~ ANY sentence SUBSEQUENTLY  
18 IMPOSED must commence from the effective date of the revocation.

19 (3) For purposes of this section, "DUI court" means any court that has established a special docket for  
20 handling cases involving persons convicted under 61-8-401 or 61-8-406 and that implements a program of  
21 incentives and sanctions intended to assist a participant to complete treatment ordered pursuant to 61-8-732 and  
22 to end the participant's criminal behavior associated with driving under the influence of drugs or alcohol or with  
23 excessive blood alcohol concentration.

24

25 **Section 2.** Section 61-8-714, MCA, is amended to read:

26 **"61-8-714. Penalty for driving under influence of alcohol or drugs -- first through third offense.**

27 (1) (a) Except as provided in subsection (4), a person convicted of a first violation of 61-8-401 shall be punished  
28 by imprisonment for not less than 24 consecutive hours or more than ~~6 months~~ <sup>6 months</sup> ~~1 year~~ and by a fine of not less  
29 than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle  
30 at the time of the offense, the person shall be punished by imprisonment for not less than 48 consecutive hours

1 or more than ~~12 months~~ 1 year and by a fine of not less than \$600 or more than \$2,000.

2 (b) The initial 24 hours of the mandatory minimum imprisonment term ~~must be served and~~ may not be  
3 served under home arrest. ~~The mandatory imprisonment sentence and~~ may not be suspended unless the judge  
4 finds that the imposition of the imprisonment sentence will pose a risk to the person's physical or mental  
5 well-being.

6 (c) Except for the initial 24 hours of the imprisonment term, notwithstanding 46-18-201(2), the The  
7 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending successful  
8 completion of court-ordered chemical dependency assessment, education, or treatment by the person.

9 (2) (a) Except as provided in subsection (4), on a second conviction, the person a person convicted of  
10 a second violation of 61-8-401 shall be punished by a fine of not less than \$600 or more than \$1,000 and by  
11 imprisonment for not less than 7 days or more than ~~6 months~~ 1 year, except that if one or more passengers under  
12 16 years of age were in the vehicle at the time of the offense, the person shall be punished by a fine of not less  
13 than \$1,200 or more than \$2,000 and by imprisonment for not less than 14 days or more than ~~12 months~~ 1 year.

14 (b) At least 48 hours of the The mandatory minimum imprisonment term ~~must be served and served~~  
15 ~~consecutively and~~ may not be served under home arrest. ~~The imposition or execution of the first 5 days of the~~  
16 ~~imprisonment sentence may not be suspended~~ and may not be suspended unless the judge finds that the  
17 imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

18 (c) Except for the initial 5 days of the imprisonment term, notwithstanding 46-18-201(2), the The  
19 remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's  
20 successful completion of a chemical dependency treatment program ~~by the person pursuant to 61-8-732.~~

21 (3) (a) Except as provided in subsection (4), on the third conviction, the person a person convicted of  
22 a third violation of 61-8-401 shall be punished by imprisonment for a term of not less than 30 days or more than  
23 1 year and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under  
24 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for  
25 a term of not less than 60 days or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than  
26 \$10,000.

27 (b) At least 48 hours of the The mandatory minimum imprisonment term ~~must be served and served~~  
28 ~~consecutively and~~ may not be served under home arrest and may not be suspended unless the judge finds that  
29 the imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being. ~~The~~  
30 ~~imposition or execution of the first 10 days of the imprisonment sentence may not be suspended.~~

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program ~~by the person~~ pursuant to 61-8-732.

(4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive alcohol concentration."

Section 3. Section 61-8-722, MCA, is amended to read:

"61-8-722. Penalty for driving with excessive alcohol concentration -- first through third offense.

(1) Except as provided in subsection (4), a person convicted of a <sup>first</sup> violation of 61-8-406 shall be punished by imprisonment for not more than ~~10 days~~ <sup>6 months</sup> ~~1 year~~ and by a fine of not less than \$300 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not more than ~~20 days~~ <sup>6 months</sup> ~~1 year~~ and by a fine of not less than \$600 or more than \$2,000.

(2) (a) Except as provided in subsection (4), ~~on a second conviction~~ a person convicted of a second violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than 5 days, ~~to be served in the~~ <sup>1 year</sup> county jail and not on home arrest, or more than ~~30 days~~ <sup>1 year</sup> and by a fine of not less than \$600 or more than \$1,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than 10 days, ~~which may not be served on home arrest,~~ or more than ~~60 days~~ <sup>1 year</sup> and by a fine of not less than \$1,200 or more than \$2,000.

(b) The ~~imposition or execution of the first 5 days of the~~ mandatory minimum imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

(c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

(3) (a) Except as provided in subsection (4), ~~on a third conviction~~ <sup>third</sup> a person convicted of a violation of 61-8-406, ~~the person~~ shall be punished by imprisonment for not less than ~~40~~ <sup>30</sup> days, ~~to be served in the county~~ jail and not on home arrest, or more than ~~6 months~~ <sup>1 year</sup> and by a fine of not less than \$1,000 or more than \$5,000, except that if one or more passengers under 16 years of age were in the vehicle at the time of the offense, the person shall be punished by imprisonment for not less than ~~20~~ <sup>60</sup> days, ~~which may not be served~~

1 ~~on home arrest~~, or more than ~~12 months~~ 1 year and by a fine of not less than \$2,000 or more than \$10,000.

2 (b) The imposition or execution of the first 10 days of the imprisonment sentence mandatory minimum  
3 imprisonment sentence may not be served under home arrest and may not be suspended unless the judge finds  
4 that imposition of the imprisonment sentence will pose a risk to the person's physical or mental well-being.

5 (c) The remainder of the imprisonment sentence may be suspended for a period of up to 1 year pending  
6 the person's successful completion of a chemical dependency treatment program pursuant to 61-8-732.

7 (4) If the person has a prior conviction under 45-5-106, the person shall be punished as provided in  
8 61-8-731 for a fourth or subsequent offense of driving under the influence of alcohol or drugs or with an excessive  
9 alcohol concentration."

10

11 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an  
12 integral part of Title 61, chapter 8, part 7, and the provisions of Title 61, chapter 8, part 7, apply to [section 1].

13

14 NEW SECTION. Section 5. Applicability. [This act] applies to offenses committed on or after [the  
15 effective date of this act].

16

- END -

**BUSINESS REPORT**  
**MONTANA SENATE**  
**62nd LEGISLATURE - REGULAR SESSION**  
**SENATE JUDICIARY COMMITTEE**

**Date:** Thursday, March 24, 2011  
**Place:** Capitol

**Time:** 9:00 AM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

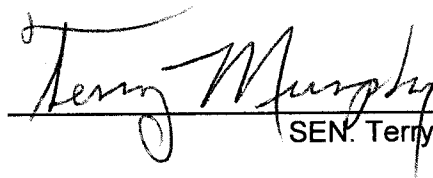
**EXECUTIVE ACTION TAKEN:**

**Tabled Bills:**

HB 203  
HB 379  
HB 448  
HJ 14  
SB 154  
SB 170

HB 269-BE CONCURRED IN  
HB 185-BE CONCURRED IN  
HB 167-BE CONCURRED IN AS AMENDED  
HB 12-BE CONCURRED IN AS AMENDED  
HB 69-BE CONCURRED IN AS AMENDED  
HB 106-BE CONCURRED IN AS AMENDED  
HB 102-BE CONCURRED IN  
HB 480-BE CONCURRED IN

**Comments:**

  
\_\_\_\_\_  
SEN. Terry Murphy, Chair

# MONTANA STATE SENATE

## ROLL CALL

### 2011 JUDICIARY COMMITTEE

DATE: 3/24/11

| <u>NAME</u>                 | <u>PRESENT</u> | <u>ABSENT/<br/>EXCUSED</u> |
|-----------------------------|----------------|----------------------------|
| CHAIRMAN, TERRY MURPHY      | /              |                            |
| VICE CHAIRMAN, JIM SHOCKLEY | /              |                            |
| SENATOR JEFF ESSMANN        | /              |                            |
| SENATOR SHANNON AUGARE      | /              |                            |
| SENATOR ANDERS BLEWETT      | /              |                            |
| SENATOR GREG HINKLE         | /              |                            |
| SENATOR ROWLIE HUTTON       | /              |                            |
| SENATOR LARRY JENT          | /              |                            |
| SENATOR CLIFF LARSEN        | /              |                            |
| SENATOR LYNDA MOSS          | /              |                            |
| SENATOR JIM PETERSON        |                | /                          |
| SENATOR CHAS VINCENT        |                | /                          |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |
|                             |                |                            |



## BILL TABLED NOTICE

### SENATE JUDICIARY COMMITTEE

The **SENATE JUDICIARY COMMITTEE** TABLED

**HB 203 - Allow evidence of other crimes in prosecution of sexual offenses**

**HB 379 - Generally revise search warrant requirements**

**HB 448 - Enact interstate compact for enforcement of firearms freedom laws**

**HJ 14 - Resolution asserting state sovereignty**

**SB 154 - Regulating medical marijuana provider supply system**

**SB 170 - Revise medical marijuana laws on obtaining certificate for chronic pain**

, by motion, on Thursday, March 24, 2011.



\_\_\_\_\_  
(For the Committee)



\_\_\_\_\_  
(For the Secretary of the Senate)

11:35 / 3-24-11

(Time)

(Date)

March 24, 2011

Pam Schindler, Secretary

Phone: 444-4891  
-----



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 269** (third reading copy -- blue) be concurred in.

Signed:

  
Senator Terry Murphy, Chair

To be carried by Senator Larry Jent

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☐

HB0269001SC01432.sdr

OK



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 185** (third reading copy -- blue) be concurred in.

Signed:

  
Senator Terry Murphy, Chair

To be carried by Senator Rowlie Hutton

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

HB0185001SC08056.sdr

OL



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 167** (third reading copy -- blue) be concurred in as amended.

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Ryan Zinke

And, that such amendments read:

1. Page 2, lines 12 through 17.

**Following:** "exceptions." on line 12

**Strike:** remainder of line 12 through "behalf." on line 17

**Insert:** "A prosecution for a violation of 45-5-102 or 45-5-103 with regard to the death of an unborn child may not be brought against:

(1) a person for conduct relating to an abortion for which the consent of the pregnant woman, or a person authorized by law to act on her behalf, has been obtained or for which the consent is implied by law;

(2) a person for any medical treatment of the pregnant woman or her unborn child; or

(3) a woman with respect to her unborn child."

- END -

Committee Vote:

Yes 7, No 5

Fiscal Note Required ☐

HB0167001SC06491.sdr

OK



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 12** (second house second reading copy -- tan) **be concurred in as amended.**

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Larry Jent

**And, that such amendments read:**

1. Title, line 6 through line 7.

**Following:** "OFFENSES" on line 6

**Strike:** remainder of line 6 through "YEAR" on line 7

2. Page 1, line 15.

**Strike:** "1 year"

**Insert:** "6 months"

3. Page 2, line 19.

**Strike:** "10 days"

**Insert:** "6 months"

4. Page 2, line 21.

**Strike:** "20 days"

**Insert:** "6 months"

5. Page 2, line 24.

**Strike:** "30 days"

**Insert:** "1 year"

6. Page 2, line 26.

**Strike:** "60 days"

**Insert:** "1 year"

**Committee Vote:**

**Yes 10, No 2**

Fiscal Note Required ☐

HB0012002SC01432.sdr

DR

7. Page 2, line 30.

**Strike:** "10"

**Insert:** "30"

8. Page 3, line 3.

**Strike:** "20"

**Insert:** "60"

- END -



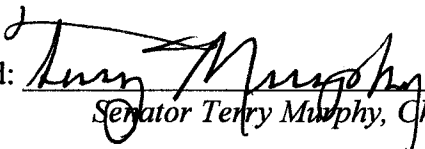
## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 69** (second house second reading copy -- tan) **be concurred in as amended.**

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Larry Jent

### And, that such amendments read:

1. Page 1, line 28.

**Strike:** "1 year"

**Insert:** "6 months"

2. Page 3, line 10.

**Following:** "of a"

**Insert:** "first"

3. Page 3, line 11.

**Strike:** "1 year"

**Insert:** "6 months"

4. Page 3, line 13.

**Strike:** "1 year"

**Insert:** "6 months"

5. Page 3, line 17.

**Strike:** "30 days"

**Insert:** "1 year"

6. Page 3, line 26.

**Following:** "of a"

**Insert:** "third"

### Committee Vote:

Yes 10, No 2

Fiscal Note Required ☐

OL



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 106** (second house second reading copy -- tan) **be concurred in as amended.**

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Larry Jent

**And, that such amendments read:**

1. Page 7, line 30.

**Strike:** "2 years"

**Insert:** "1 year"

2. Page 8, line 2.

**Strike:** "2-year"

**Insert:** "1-year"

3. Page 8, line 3.

**Strike:** "2-year"

**Insert:** "1-year"

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☐

HB0106002SC01432.sdr







**SENATE STANDING COMMITTEE REPORT**

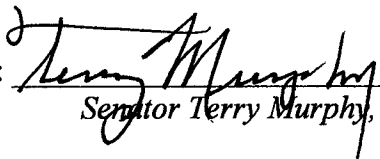
**March 24, 2011**

**Page 1 of 1**

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 102** (third reading copy -- blue)  
**be concurred in.**

Signed:

  
*Senator Terry Murphy, Chair*

To be carried by Senator Greg Hinkle

- END -

**Committee Vote:**

**Yes 12, No 0**

Fiscal Note Required ☐

HB0102001SC06467.sdr

OK



## SENATE STANDING COMMITTEE REPORT

March 24, 2011

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 480** (third reading copy -- blue) be concurred in.

Signed:   
Senator Terry Murphy, Chair

To be carried by Senator Anders Blewett

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

HB0480001SC06460.sdr

02

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB203 MOTION NO. 1

MOTION: Be Concurred In

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    |     | —  |                                                                    |
| SENATOR LYNDIA MOSS    | —   |    | —                                                                  |
| SENATOR CHAS VINCENT   |     | —  | —                                                                  |
| SENATOR LARRY JENT     |     | —  |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    |                                                                    |
| SENATOR ROWLIE HUTTON  |     | —  |                                                                    |
| SENATOR JIM PETERSON   |     | —  | —                                                                  |
| VICE CHAIRMAN SHOCKLEY |     | —  |                                                                    |
| SENATOR JEFF ESSMANN   |     | —  |                                                                    |
| CHAIRMAN MURPHY        |     | —  |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

4/8

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB269 MOTION NO. 1  
MOTION: Be Concurred In (Jent)

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDIA MOSS    | —   |    | —                                                                  |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    | —                                                                  |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    |                                                                    |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/29/11 BILL NO HB 85 MOTION NO. 1  
MOTION: Be Concurred (Hutton)

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | /          |           |                                                                               |
| SENATOR LYNDIA MOSS    | /          |           | /                                                                             |
| SENATOR CHAS VINCENT   | /          |           | /                                                                             |
| SENATOR LARRY JENT     | /          |           |                                                                               |
| SENATOR ANDERS BLEWETT | /          |           |                                                                               |
| SENATOR SHANNON AUGARE | /          |           |                                                                               |
| SENATOR CLIFF LARSEN   | /          |           | /                                                                             |
| SENATOR ROWLIE HUTTON  | /          |           |                                                                               |
| SENATOR JIM PETERSON   | /          |           | /                                                                             |
| VICE CHAIRMAN SHOCKLEY | /          |           |                                                                               |
| SENATOR JEFF ESSMANN   | /          |           |                                                                               |
| CHAIRMAN MURPHY        | /          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO HB167 MOTION NO. 2

MOTION: amend 167.02 and

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>—</u>   |           |                                                                               |
| SENATOR LYNDIA MOSS    |            | <u>—</u>  |                                                                               |
| SENATOR CHAS VINCENT   | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR LARRY JENT     |            | <u>—</u>  |                                                                               |
| SENATOR ANDERS BLEWETT |            | <u>—</u>  |                                                                               |
| SENATOR SHANNON AUGARE |            | <u>—</u>  |                                                                               |
| SENATOR CLIFF LARSEN   |            | <u>—</u>  |                                                                               |
| SENATOR ROWLIE HUTTON  | <u>—</u>   |           |                                                                               |
| SENATOR JIM PETERSON   | <u>—</u>   |           | <u>—</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR JEFF ESSMANN   | <u>—</u>   |           |                                                                               |
| CHAIRMAN MURPHY        | <u>—</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

7/5

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. <sup>HB</sup>67 MOTION NO. 3

MOTION: Be Concurred In As Amended *(Hutton)*  
*Ginkle*

| NAME                   | AYE      | NO       | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|----------|----------|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>—</u> |          |                                                                    |
| SENATOR LYNDIA MOSS    |          | <u>—</u> |                                                                    |
| SENATOR CHAS VINCENT   | <u>—</u> |          | <u>—</u>                                                           |
| SENATOR LARRY JENT     |          | <u>—</u> |                                                                    |
| SENATOR ANDERS BLEWETT |          | <u>—</u> |                                                                    |
| SENATOR SHANNON AUGARE |          | <u>—</u> |                                                                    |
| SENATOR CLIFF LARSEN   |          | <u>—</u> |                                                                    |
| SENATOR ROWLIE HUTTON  | <u>—</u> |          |                                                                    |
| SENATOR JIM PETERSON   | <u>—</u> |          | <u>—</u>                                                           |
| VICE CHAIRMAN SHOCKLEY | <u>—</u> |          |                                                                    |
| SENATOR JEFF ESSMANN   | <u>—</u> |          |                                                                    |
| CHAIRMAN MURPHY        | <u>—</u> |          |                                                                    |
|                        |          |          |                                                                    |
|                        |          |          |                                                                    |

7/5

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB 12 MOTION NO. 2

MOTION: amend. 1205. gvk

| <u>NAME</u>            | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDY MOSS     |     | —  |                                                                    |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   |     | —  |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    | —                                                                  |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

10/2



# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB 12 MOTION NO. 3

MOTION: Reconciled Indefinitely (Jent)

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDIA MOSS    |     | —  |                                                                    |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   |     | —  |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    |                                                                    |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

10/2

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB 69 MOTION NO. 2

MOTION: Amend. 69.07

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDIA MOSS    |     | —  |                                                                    |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

11/1

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB69 MOTION NO. 3

MOTION: Be Concurred (Jent)

| <u>NAME</u>            | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDY MOSS     |     | —  |                                                                    |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   |     | —  |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

10/2

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB106 MOTION NO. 2  
MOTION: AMEND 106.01

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>—</u>   |           |                                                                               |
| SENATOR LYNDIA MOSS    | <u>—</u>   |           |                                                                               |
| SENATOR CHAS VINCENT   | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR LARRY JENT     | <u>—</u>   |           |                                                                               |
| SENATOR ANDERS BLEWETT | <u>—</u>   |           |                                                                               |
| SENATOR SHANNON AUGARE | <u>—</u>   |           |                                                                               |
| SENATOR CLIFF LARSEN   | <u>—</u>   |           |                                                                               |
| SENATOR ROWLIE HUTTON  | <u>—</u>   |           |                                                                               |
| SENATOR JIM PETERSON   | <u>—</u>   |           | <u>—</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR JEFF ESSMANN   | <u>—</u>   |           |                                                                               |
| CHAIRMAN MURPHY        | <u>—</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB106 MOTION NO. 3

MOTION: Be Can As Cement

*(Signature)*

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —          |           |                                                                               |
| SENATOR LYNDIA MOSS    | —          |           |                                                                               |
| SENATOR CHAS VINCENT   | —          |           | —                                                                             |
| SENATOR LARRY JENT     | —          |           |                                                                               |
| SENATOR ANDERS BLEWETT | —          |           |                                                                               |
| SENATOR SHANNON AUGARE | —          |           |                                                                               |
| SENATOR CLIFF LARSEN   | —          |           |                                                                               |
| SENATOR ROWLIE HUTTON  | —          |           |                                                                               |
| SENATOR JIM PETERSON   | —          |           | —                                                                             |
| VICE CHAIRMAN SHOCKLEY | —          |           | —                                                                             |
| SENATOR JEFF ESSMANN   | —          |           |                                                                               |
| CHAIRMAN MURPHY        | —          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB 102 MOTION NO. 1

MOTION: Reconciled (Hinkle)

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDIA MOSS    | —   |    |                                                                    |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    |                                                                    |
| SENATOR ANDERS BLEWETT | —   |    |                                                                    |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    |                                                                    |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO HB379 MOTION NO. 1

MOTION: Be Amended

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    |     | /  |                                                                    |
| SENATOR LYNDIA MOSS    | /   |    | /                                                                  |
| SENATOR CHAS VINCENT   |     | /  | /                                                                  |
| SENATOR LARRY JENT     | /   |    | /                                                                  |
| SENATOR ANDERS BLEWETT | /   |    | /                                                                  |
| SENATOR SHANNON AUGARE | /   |    |                                                                    |
| SENATOR CLIFF LARSEN   | /   |    | /                                                                  |
| SENATOR ROWLIE HUTTON  |     | /  |                                                                    |
| SENATOR JIM PETERSON   |     | /  | /                                                                  |
| VICE CHAIRMAN SHOCKLEY |     | /  | /                                                                  |
| SENATOR JEFF ESSMANN   | /   |    |                                                                    |
| CHAIRMAN MURPHY        |     | /  |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

6/6

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 <sup>HB</sup> BILL NO 379 MOTION NO. 2

MOTION: Table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —          |           |                                                                               |
| SENATOR LYNDIA MOSS    | —          |           | —                                                                             |
| SENATOR CHAS VINCENT   | —          |           | —                                                                             |
| SENATOR LARRY JENT     | —          |           | —                                                                             |
| SENATOR ANDERS BLEWETT | —          |           | —                                                                             |
| SENATOR SHANNON AUGARE | —          |           |                                                                               |
| SENATOR CLIFF LARSEN   | —          |           | —                                                                             |
| SENATOR ROWLIE HUTTON  | —          |           |                                                                               |
| SENATOR JIM PETERSON   | —          |           | —                                                                             |
| VICE CHAIRMAN SHOCKLEY | —          |           | —                                                                             |
| SENATOR JEFF ESSMANN   | —          |           |                                                                               |
| CHAIRMAN MURPHY        | —          |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0



# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO HB 480 MOTION NO 1

MOTION: Be Concurred (Blewett)

| NAME                   | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|------------------------|-----|----|--------------------------------------------------------------------|
| SENATOR GREG HINKLE    | —   |    |                                                                    |
| SENATOR LYNDIA MOSS    | —   |    | —                                                                  |
| SENATOR CHAS VINCENT   | —   |    | —                                                                  |
| SENATOR LARRY JENT     | —   |    | —                                                                  |
| SENATOR ANDERS BLEWETT | —   |    | —                                                                  |
| SENATOR SHANNON AUGARE | —   |    |                                                                    |
| SENATOR CLIFF LARSEN   | —   |    | —                                                                  |
| SENATOR ROWLIE HUTTON  | —   |    |                                                                    |
| SENATOR JIM PETERSON   | —   |    | —                                                                  |
| VICE CHAIRMAN SHOCKLEY | —   |    | —                                                                  |
| SENATOR JEFF ESSMANN   | —   |    |                                                                    |
| CHAIRMAN MURPHY        | —   |    |                                                                    |
|                        |     |    |                                                                    |
|                        |     |    |                                                                    |

12/0

# MONTANA STATE SENATE

## ROLL CALL VOTE

### 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO HS 14 MOTION NO. 1

MOTION: Be Concurred

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>—</u>   |           |                                                                               |
| SENATOR LYNDIA MOSS    |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR CHAS VINCENT   | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR LARRY JENT     |            | <u>—</u>  |                                                                               |
| SENATOR ANDERS BLEWETT |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR SHANNON AUGARE |            | <u>—</u>  |                                                                               |
| SENATOR CLIFF LARSEN   |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR ROWLIE HUTTON  | <u>—</u>   |           |                                                                               |
| SENATOR JIM PETERSON   |            | <u>—</u>  | <u>—</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR JEFF ESSMANN   |            | <u>—</u>  |                                                                               |
| CHAIRMAN MURPHY        | <u>—</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

4/8

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB448 MOTION NO. 1  
MOTION: Be Concurred

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>—</u>   |           |                                                                               |
| SENATOR LYNDY MOSS     |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR CHAS VINCENT   | <u>—</u>   |           | <u>—</u>                                                                      |
| SENATOR LARRY JENT     |            | <u>—</u>  |                                                                               |
| SENATOR ANDERS BLEWETT |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR SHANNON AUGARE |            | <u>—</u>  |                                                                               |
| SENATOR CLIFF LARSEN   |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR ROWLIE HUTTON  | <u>—</u>   |           |                                                                               |
| SENATOR JIM PETERSON   |            | <u>—</u>  | <u>—</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY |            | <u>—</u>  | <u>—</u>                                                                      |
| SENATOR JEFF ESSMANN   | <u>—</u>   |           |                                                                               |
| CHAIRMAN MURPHY        | <u>—</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

5-7

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. HB 154 MOTION NO. 1

MOTION: table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>/</u>   |           |                                                                               |
| SENATOR LYNDIA MOSS    | <u>/</u>   |           |                                                                               |
| SENATOR CHAS VINCENT   | <u>/</u>   | <u>/</u>  |                                                                               |
| SENATOR LARRY JENT     | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR ANDERS BLEWETT | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR SHANNON AUGARE | <u>/</u>   |           |                                                                               |
| SENATOR CLIFF LARSEN   | <u>/</u>   |           |                                                                               |
| SENATOR ROWLIE HUTTON  | <u>/</u>   |           |                                                                               |
| SENATOR JIM PETERSON   | <u>/</u>   |           | <u>/</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR JEFF ESSMANN   | <u>/</u>   |           |                                                                               |
| CHAIRMAN MURPHY        | <u>/</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

# MONTANA STATE SENATE

## ROLL CALL VOTE 2011 JUDICIARY COMMITTEE

DATE 3/24/11 BILL NO. SB170 MOTION NO. 1

MOTION: Table

| <u>NAME</u>            | <u>AYE</u> | <u>NO</u> | <u>If Proxy Vote, check here &amp; include signed Proxy Form with minutes</u> |
|------------------------|------------|-----------|-------------------------------------------------------------------------------|
| SENATOR GREG HINKLE    | <u>/</u>   |           |                                                                               |
| SENATOR LYNDIA MOSS    | <u>/</u>   |           |                                                                               |
| SENATOR CHAS VINCENT   | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR LARRY JENT     | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR ANDERS BLEWETT | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR SHANNON AUGARE | <u>/</u>   |           |                                                                               |
| SENATOR CLIFF LARSEN   | <u>/</u>   |           |                                                                               |
| SENATOR ROWLIE HUTTON  | <u>/</u>   |           |                                                                               |
| SENATOR JIM PETERSON   | <u>/</u>   |           | <u>/</u>                                                                      |
| VICE CHAIRMAN SHOCKLEY | <u>/</u>   |           | <u>/</u>                                                                      |
| SENATOR JEFF ESSMANN   | <u>/</u>   |           |                                                                               |
| CHAIRMAN MURPHY        | <u>/</u>   |           |                                                                               |
|                        |            |           |                                                                               |
|                        |            |           |                                                                               |

12/0

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jim Peterson, request to be excused from the

## Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

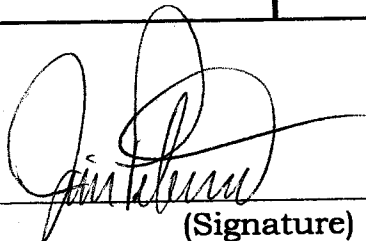
Sen. Hinkle / Sen. Shackley  
~~Vice Chair Terry Murphy~~

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT          | AYE | NO |
|-------------------------|-----|----|
| 3/15/11                 |     |    |
| HB 141 - Belonging In   | X   |    |
| HB 446 - Belonging In   | X   |    |
| HB 457 - TABLED         | X   |    |
| 3/24/11                 |     |    |
| HB 203 Concurrence      |     | X  |
| HB 269 Concurrence      | X   |    |
| HB 185 Concurrence      | X   |    |
| HB 167 Amendment 167.02 | X   |    |
| HB 167 Belonging In     |     |    |
| Amendment               | X   |    |

| BILL/AMENDMENT          | AYE | NO |
|-------------------------|-----|----|
| HB 12 Amendment 1205.01 | X   |    |
| HB 12 Belonging In      | X   |    |
| HB 151 Amendment 69.07  | X   |    |
| HB 69 Belonging In      |     |    |
| Amendment               | X   |    |
| HB 106 Amendment 106.01 | X   |    |
| HB 106 Belonging In     |     |    |
| Amendment               | X   |    |
| HB 102 Belonging In     | X   |    |
| HB 379 Belonging In     |     | X  |
| HB 379 Tabled           | X   |    |
| HB 379 Belonging In     | X   |    |
| HB 14 Belonging In      |     | X  |
| HB 448 Belonging In     |     | X  |

Sen. \_\_\_\_\_

  
(Signature)

Date \_\_\_\_\_

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, **Senator Jim Peterson**, request to be excused from the

# Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Terry Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

[illegible][illegible]

Sen.

(Signature)

Date \_\_\_\_\_

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Chas Vincent, request to be excused from the

## Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Terry Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT     | AYE | NO |
|--------------------|-----|----|
| 3/24/11            |     |    |
| HB 203 ReConcurred |     | X  |
| HB 269 ReConcurred | X   |    |
| HB 185 ReConcurred | X   |    |
| HB 167 Amend       | X   |    |
| HB 167 ReConcurred | X   |    |
| HB 12 Amend        | X   |    |
| HB 12 ReConcurred  | X   |    |
| HB 69 Amend        | X   |    |
| HB 69 ReConcurred  | X   |    |
| HB 106 Amend       | X   |    |
| HB 106 ReConcurred | X   |    |
| HB 102 ReConcurred | X   |    |
| HB 379 ReConcurred |     | X  |

| BILL/AMENDMENT     | AYE | NO |
|--------------------|-----|----|
| HB 379 Table       | X   |    |
| HB 480 ReConcurred | X   |    |
| HJ ReConcurred     | X   |    |
| HB 480 ReConcurred | X   |    |
| SB 154 Table       | X   |    |
| SB 170 Table       | X   |    |
| Rev: Table -       |     |    |
| HB 203             | X   |    |
| <del>HB 203</del>  | ●   |    |
| HB 14              | ●   |    |
| HB 48              |     |    |
|                    |     |    |
|                    |     |    |

Sen. Chas Vincent  
(Signature)

Date \_\_\_\_\_



# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Anders Blewett, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with

Sen. ~~XXXXXXXXXX~~ CARRY JENKINS, Sen. Moser

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT        | AYE | NO |
|-----------------------|-----|----|
| 1/12/11 SB50 Do Pass  |     | X  |
| SB50 Rev. Table       | X   |    |
| 1/17/11 SB152         | X   |    |
| SB68 Do Pass Amend    |     |    |
| Amended in hrg.       |     |    |
| 1/13/11               | X   |    |
| 1/21/11 SB106 Do Pass | X   | X  |
| 2/16/11               |     |    |
| SB114 (amend 114)     | X   |    |
| SB114 Do Pass         |     | X  |

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
| 3/24/11        |     |    |
| HB 379 Berlin  | X   |    |
| HB 379 Table   | X   |    |
| HB 480 Berlin  | X   |    |
| HB 14 Berlin   |     | X  |
| HB 448 Berlin  |     | X  |
| SB 154 Table   | X   |    |
| SB 170 Table   | X   |    |
| Rev. Table     |     |    |
| HB 448         |     |    |

Sen. Anders Blewett  
(Signature)

Date \_\_\_\_\_

(Sen. Blewett)

# AUTHORIZED SENATE COMMITTEE PROXY

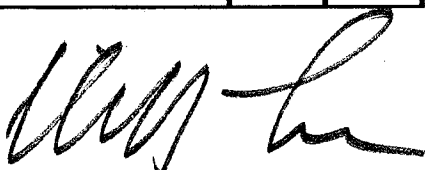
I, Senator Cliff Larsen, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with:

Sen. LARRY SENT / Sen. MOSS

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT     | AYE | NO |
|--------------------|-----|----|
| 3/3/11             |     |    |
| HB 65 Concurrence  | X   |    |
| HB 97 Concurrence  | X   |    |
| 3/21/11            |     |    |
| HB 384 Concurrence |     | X  |
| HB 384 Concurrence |     | X  |
| 3/18/11            |     |    |
| HB 187-amend       | X   |    |
|                    |     |    |
|                    |     |    |
|                    |     |    |

| BILL/AMENDMENT     | AYE | NO |
|--------------------|-----|----|
| 3/24/11            |     |    |
| HB 269 Concurrence | X   |    |
| HB 185 Concurrence | X   |    |
| HB 379 Concurrence | X   |    |
| HB 379 Table       | X   |    |
| HB 480 Concurrence | X   |    |
| HB 14 Concurrence  |     | X  |
| HB 448 Concurrence |     | X  |
| Rev: Table         |     |    |
| HB 447             |     |    |
|                    |     |    |
|                    |     |    |
|                    |     |    |

Sen.   
(Signature)

Date \_\_\_\_\_

(Sen. Larsen)

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Lynda Moss, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with:

Sen. Tent / [REDACTED]

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT      AYE      NO

1/25/11

|                       |   |  |
|-----------------------|---|--|
| SB 40 - <u>Tabled</u> | X |  |
| 3/9/11                |   |  |
| HB 12                 | X |  |
| HB 69 Amendment       | X |  |
| HB 69 Reconciliation  | X |  |
| HB 235 Tabled         | X |  |
| HB 360 Amendment      | X |  |
| HB 360 Tabled         | X |  |
| HB 412 Tabled         | X |  |
|                       |   |  |
|                       |   |  |
|                       |   |  |
|                       |   |  |

BILL/AMENDMENT      AYE      NO

3/18/11

|                       |   |   |
|-----------------------|---|---|
| HB 292 Reconciliation |   |   |
| <u>In</u>             | X |   |
| HB 250 Reconciliation | X |   |
| 3/24/11               |   |   |
| HB 203 Concurrence    | X |   |
| HB 269 Concurrence    | X |   |
| HB 185 Concurrence    | X |   |
| HB 379 Concurrence    | X |   |
| HB 379 Tabled         | X |   |
| HB 480 Reconciliation | X |   |
| HB 14 Reconciliation  |   | X |

Sen. [Signature]  
(Signature)

Date \_\_\_\_\_

(Sen. Moss)

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Lynda Moss, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with:

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
| 3/24/11        |     |    |
| Continued      |     |    |
| HB 448 Belmont |     | x  |
|                |     |    |
| Rev. Talk      |     |    |
| HB 448         |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |

Sen. Lynda Moss Date \_\_\_\_\_  
(Signature)

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Larry Jent, request to be excused from the  
**Judiciary COMMITTEE**  
due to my other commitment. I desire to leave my proxy vote with:

Sen. Moss

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT            | AYE | NO |
|---------------------------|-----|----|
| 3/24/11                   |     |    |
| HB 379 Bolonch            | X   |    |
| HB 379 Table              | X   |    |
| HB 480 Bolonch            | X   |    |
| HB 14 Bolonch             |     | X  |
| (Rev. Table)              |     |    |
| <del>HB 480 Bolonch</del> |     |    |
| SB 157 Table              | X   |    |
| SB 170 Table              | X   |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |
|                           |     |    |

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |

Sen. Larry Jent  
(Signature)

Date \_\_\_\_\_

# AUTHORIZED SENATE COMMITTEE PROXY

I, Senator Jim Shockley, request to be excused from the

## Judiciary COMMITTEE

due to my other commitment. I desire to leave my proxy vote with:

Vice Chair Terry Murphy

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT      | AYE | NO |
|---------------------|-----|----|
| 3/24/11             |     |    |
| HB 167 amend 167.12 | X   |    |
| HB 12 amend 1205-   | X   |    |
| HB 69 amend 69.07   | X   |    |
| HB 69 Belonging to  |     |    |
| Amend               | X   |    |
| HB 106 Amend 106.01 |     |    |
| HB 106 Belonging to |     |    |
| Amend               | X   |    |
| HB 102 Belonging    | X   |    |
| HB 374 Belonging    |     | X  |
| HB 374 Table        | X   |    |
| HB 480 Belonging    | X   |    |

| BILL/AMENDMENT   | AYE | NO |
|------------------|-----|----|
| HB 14 Belonging  |     | X  |
| HB 413 Belonging |     | X  |
| SB 154 Table     | X   |    |
| SB 170           | X   |    |
| Rw: Table        |     |    |
| HB 478           |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |
|                  |     |    |

Sen. \_\_\_\_\_

(Signature)

Date

10 JAN 2010

**AUTHORIZED  
SENATE COMMITTEE PROXY**

I, Senator Jeff Essmann, request to be excused from the

**JUDICIARY COMMITTEE**

due to my other commitment. I desire to leave my proxy vote with:

Sen. Hinkle

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

| BILL/AMENDMENT       | AYE | NO |
|----------------------|-----|----|
| HB 12 amendment 1205 | X   |    |
| HB 12 Belonging      |     |    |
| Indelimental         | X   |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |
|                      |     |    |

| BILL/AMENDMENT | AYE | NO |
|----------------|-----|----|
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |
|                |     |    |

Sen. \_\_\_\_\_

(Signature)

Date

3/24/11

**HOUSE JOURNAL  
62ND LEGISLATURE  
SEVENTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
April 4, 2011

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hale. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representative McClafferty, excused. Representative Reichner, absent. Quorum present.

**BILLS** (O'Hara, Chairman):

4/4/2011

Correctly engrossed: **SB 199, SB 224, SB 266, SJR 4.**

Correctly enrolled: **HB 161, HB 180, HB 195, HB 272, HB 330, HB 339, HB 352, HB 416, HB 456, HB 464, HB 491, HB 529, HB 535, HB 542, HB 575.**

Examined by the sponsor and found to be correct: **HB 161, HB 180, HB 272, HB 330, HB 416, HB 456, HB 464, HB 491.**

Signed by the Speaker at 9:00 a.m., April 4, 2011: **HB 161.**

Signed by the Chief Clerk of the House at 8:50 a.m., April 4, 2011: **HB 161.**

Signed by the Speaker at 10:00 a.m., April 4, 2011: **HB 421, HB 456, HB 508.**

Signed by the Chief Clerk of the House at 9:40 a.m., April 4, 2011: **HB 456.**

Delivered to the Governor for approval at 3:30 p.m., April 4, 2011: **HB 421, HB 508.**

Delivered to the Governor for approval at 12:10 p.m., April 4, 2011: **HB 66, HB 318, HB 480, HB 547, HB 566.**

Delivered to the Governor for approval at 11:55 a.m., April 4, 2011: **HB 456.**

Representative Reichner introduced the pages as follows:

**LEGISLATIVE ADMINISTRATION** (O'Hara, Chairman):

4/4/2011

MR. SPEAKER:

We, your committee on Legislative Administration recommend that employment of the following attaches of the House be terminated as of 12:00 p.m., Saturday, April 2, 2011:

TITLE

NAME

Pages:

Brittany Bangerter, Helena  
Isaac Reichner, Big Fork  
Scotty Keller, Kalispell  
Emily Eicholtz, Helena  
Hailey Duffin, Miles City  
Jessica Riffel, Carter  
Zach Johnson, Helena  
Hunter Feiss, Helena

and recommend that the following attaches of the House be employed as of 8:00 a.m., Monday, April 4, 2011:

**STATE INTERNET/BBS COPY**



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

TITLE

NAME

Pages: Brenna Davis, Lolo  
Jesse Rogers, Helena  
Blaise Hall, Helena  
Emily Seamons, Bozeman  
Emily Harris, Helena  
Carrie Kaiserski, Helena  
Mariah Witt, Carter

Report Adopted.

Representative MacDonald rose on a point of personal privilege to convey the news that Jeanne Charter had passed away over the weekend. The House had a moment of silence.

**MESSAGES FROM THE SENATE**

**House bills** concurred in and returned to the House: 4/2/2011

**HB 195**, introduced by Rosendale

**HB 339**, introduced by Bangerter

**HB 529**, introduced by Stahl

**Senate joint resolutions** passed and transmitted to the House for concurrence: 4/2/2011

**SJR 21**, introduced by J. Peterson

**SJR 24**, introduced by Shockley

**House bill not** concurred in and returned to the House: 4/1/2011

**HB 361**, introduced by Washburn

**House bills** concurred in as amended and returned to the House for concurrence in Senate amendments:

4/2/2011

**HB 111**, introduced by Stahl

**HB 132**, introduced by Hoven

**HB 133**, introduced by Salomon

**HB 460**, introduced by K. Peterson

**HB 555**, introduced by Fitzpatrick has missed the deadline for General Bills. It requires a 2/3 vote for the House to receive it.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**MESSAGES FROM THE GOVERNOR**

April 2, 2011

The Honorable Mike Milburn  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Milburn:

Please be informed that I have signed **House Bill 70** sponsored by Representative Menahan, **House Bill 94** sponsored by Representative Arntzen, **House Bill 99** sponsored by Representative Ingraham, **House Bill 141** sponsored by Representative K. Peterson, **House Bill 254** sponsored by Representative Vance et al., **House Bill 259** sponsored by Representative Loney et al., **House Bill 270** sponsored by Representative Lavin et al., **House Bill 273** sponsored by Representative Mehlhoff et al., **House Bill 293** sponsored by Representative Connell, **House Bill 348** sponsored by Representative Malek, **House Bill 374** sponsored by Representative Hansen et al., **House Bill 428** sponsored by Representative Berry et al., **House Bill 484** sponsored by Representative Squires, **House Bill 497** sponsored by Representative Clark, **House Bill 536** sponsored by Representative Flynn, and **House Bill 573** sponsored by Representative Hunter on April 1, 2011.

Sincerely,

BRIAN SCHWEITZER  
Governor

**FIRST READING AND COMMITMENT OF BILLS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 31**, introduced by Hendrick, referred to Taxation.

The following Senate joint resolutions were introduced, read first time, and referred to committees:

**SJR 21**, introduced by J. Peterson, referred to Natural Resources.

**SJR 24**, introduced by Shockley, referred to State Administration.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 35** - Representative McNutt moved **SB 35** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, Osmundson, Peterson, Phillips, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Yates, Mr. Speaker.

Total 84

Nays: B. Bennett, Boland, Furey, Hands, Hill, Hunter, MacDonald, Malek, Noonan, O'Neil, Pease-Lopez, Price, Reinhart, Sands, Wilmer.

Total 15

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**HB 297 - Senate Amendments** - Representative Berry moved Senate amendments to **HB 297** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren, Reichner.

Total 2

**HB 552 - Senate Amendments** - Representative Hale moved Senate amendments to **HB 552** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 80

Nays: Burnett, Cuffe, Edmunds, Flynn, Hendrick, Kary, Kerns, Knox, Knudsen, McNutt, Peterson, Randall, Rosendale, Skattum, Skees, C. Smith, Vance, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Hollandsworth, MacLaren.

Total 2

**SB 11** - Representative Hollandsworth moved **SB 11** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 91

Nays: Bangerter, Fitzpatrick, Harris, Kary, Loney, McGillvray, McNiven, Peterson.

Total 8

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 16** - Representative Belcourt moved **SB 16** be concurred in. Motion carried as follows:

Yeas: Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Furey, Gibson, Hale, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Hunter, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 72

Nays: Bangerter, G. Bennett, Edmunds, Esp, Evans, Fitzpatrick, Flynn, Greef, Harris, Hendrick, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, McGillvray, More, O'Hara, O'Neil, Peterson, Read, Skattum, C. Smith, Wagner, Welborn.

Total 26

Excused: None.

Total 0

Absent or not voting: Ankney, MacLaren.

Total 2

**SB 30** - Representative K. Williams moved **SB 30** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Mr. Speaker.

Total 85

Nays: Blasdel, Brodehl, Cuffe, Edmunds, Hansen, Hendrick, Kennedy, Kerns, Randall, Skattum, C. Smith, Vance, Wagner, Yates.

Total 14

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 68** - Representative Hansen moved **SB 68** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 77

Nays: G. Bennett, Brodehl, Cuffe, Flynn, Gibson, Hale, Hendrick, Hiner, Ingraham, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, Randall, Salomon, Skattum, Small, C. Smith, Vance, Welborn.

Total 22

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 126** - Representative Salomon moved **SB 126** be concurred in. Motion carried as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Furey, Greef, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Klock, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Read, Reichner, Reinhart, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Wagner, Washburn, Williams, Wilmer, Mr. Speaker.

Total 66

Nays: Arntzen, G. Bennett, Blasdel, Cuffe, Edmunds, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, McGillvray, Miller, O'Neil, Osmundson, Randall, Regier, Roberts, Rosendale, Skattum, C. Smith, Vance, Warburton, Welborn, Yates.

Total 33

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 149** - Representative Harris moved **SB 149** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Cuffe, Ehli, Flynn, Gibson, Hale, Kennedy, Kerns, Knox, Miller, More, Peterson, Skattum, C. Smith, Vance, Wagner.

Total 15

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 172** - Representative Blasdel moved **SB 172** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Ehli, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Klock, Knudsen, Lavin, MacDonald, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 84

Nays: Blyton, Edmunds, Esp, Hale, Hansen, Kary, Kennedy, Kerns, Knox, Loney, Miller, Skattum, C. Smith, Wagner, Warburton.

Total 15

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 338** - Representative Kennedy moved **SB 338** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: MacLaren, Randall.

Total 2

**SB 389** - Representative Noonan moved **SB 389** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Furey, Gibson, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Phillips, Price, Randall, Regier, Reichner, Reinhart, Rosendale, Salomon, Sands, Schmidt, Sesso, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Bangerter, G. Bennett, Berry, Brodehl, Evans, Fitzpatrick, Flynn, Greef, Harris, Hoven, Howard, Ingraham, Kary, Kennedy, McGillvray, McNiven, Miller, Peterson, Read, Roberts, Skattum, C. Smith, Wagner.

Total 23



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair.

Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Kerns, Klock, Knox, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Bangerter, Kary, Lavin, Malek, Pease-Lopez.

Total 5

Excused: Evans, McClafferty.

Total 2

Absent or not voting: Knudsen, O'Neil, Taylor.

Total 3

House Recessed.

House Reconvened.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**SB 199** - Representative McGillvray moved consideration of **SB 199** be placed at the bottom of the second reading board. Motion carried.

**HB 522 - Senate Amendments** - Representative Kary moved Senate amendments to **HB 522** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Knudsen, Taylor.

Total 2

**SB 218** - Representative Kerns moved **SB 218** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: Hollenbaugh.

Total 1

**SB 219** - Representative McNiven moved **SB 219** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 242** - Representative Welborn moved **SB 242** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Belcourt, Boland, Pease-Lopez.

Total 3

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 266** - Representative MacDonald moved consideration of **SB 266** be placed at the bottom of the second reading board. Motion carried.

**SB 277** - Representative Welborn moved **SB 277** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, Malek, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 93

Nays: Barrett, Cook, Hoven, MacDonald, McClafferty, Pease-Lopez, Reinhart.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 4** - Representative McGillvray moved consideration of **SJR 4** be placed at the bottom of the second reading board for the purpose of amendment. Motion carried.

**HB 12 - Senate Amendments** - Representative Menahan moved Senate amendments to **HB 12** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 96

Nays: Klock, More, Small.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Clark.  
Total 1

**HB 69 - Senate Amendments** - Representative Menahan moved Senate amendments to **HB 69** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 96

Nays: Gibson, Ingraham, Kennedy, Small.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 107 - Senate Amendments** - Representative Hollenbaugh moved Senate amendments to **HB 107** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Swanson, Taylor, Vance, Wagner, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Hale, Ingraham, Randall, Stahl, Warburton.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 295 - Senate Amendments** - Representative Cook moved Senate amendments to **HB 295** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 310 - Senate Amendments** - Representative Blyton moved Senate amendments to **HB 310** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 330** - Representative Knox moved **HB 330** do pass. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Cook, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Price, Randall, Read, Regier, Roberts, Rosendale, Salomon, Sands, Skattum, Skees, Small, C. Smith, Stahl, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 76

Nays: Barrett, B. Bennett, Boland, Court, Hands, MacDonald, Malek, McChesney, McNally, Mehlhoff, Noonan, Phillips, Reinhart, Schmidt, Sesso, Squires, Swanson.

Total 17

Excused: Evans, McClafferty.

Total 2

Absent or not voting: Blyton, Knudsen, Reichner, F. Smith, Taylor.

Total 5

House Recessed.

House Reconvened.

Roll Call. All members present, except Representative Evans excused. Representatives Hill, and Sesso, absent. Quorum present.

The Legislative Choir performed a compilation of songs for the House of Representatives.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 199** - Representative Di. Barrett moved **SB 199** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen,



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

**SB 266** - Representative Berry moved **SB 266** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNutt, Mehlhoff, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 73

Nays: Barrett, B. Bennett, Boland, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McClafferty, McNally, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.

Total 26

Excused: None.

Total 0

Absent or not voting: McNiven.

Total 1

Representative Osmundson assumed the chair.

**SJR 4** - Representative Skees moved **SJR 4** be concurred in.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**SJR 4** - Representative Skees moved **SJR 4**, second reading copy, be amended as follows:

1. Title, line 7.

**Strike:** "A CONGRESSIONAL DECLARATION OF"

2. Page 1, line 12.

**Strike:** "A CONGRESSIONAL DECLARATION OF"

3. Page 1, line 20.

**Strike:** "A CONGRESSIONAL DECLARATION OF"

Amendment adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, O'Hara, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, More, Noonan, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 4** - Representative Skees moved **SJR 4**, as amended, be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Osmundson moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 63

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 32

Excused: Evans.

Total 1

Absent or not voting: Connell, MacLaren, Reichner, Small.

Total 4

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader McGillvray moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Skees in the chair.

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 307 - Governor's Amendments** - Representative Burnett moved Governor's amendments to **HB 307** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Mr. Speaker.

Total 66

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer, Yates.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 29** - Representative Welborn moved **SB 29** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Burnett, Clark, Connell, Court, Driscoll, Ehli, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, Lavin, MacDonald, Malek, McChesney, McClafferty, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Osmundson, Pease-Lopez, Phillips, Price, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Vance, Washburn, Welborn, Williams, Wilmer, Yates.

Total 62

Nays: Berry, Blasdel, Blyton, Brodehl, Cook, Cuffe, Edmunds, Esp, Evans, Flynn, Hale, Harris, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Loney, McGillvray, Miller, More, O'Neil, Peterson, Randall, Read, Reichner, Skattum, Skees, C. Smith, Taylor, Wagner, Warburton, Mr. Speaker.

Total 37

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: MacLaren.

Total 1

**SB 75** - Representative Stahl moved **SB 75** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 100

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 224** - Representative Fitzpatrick moved **SB 224** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, McNutt, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 67

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 33

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 237** - Representative Esp moved **SB 237** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Greef, Hands, Hill, Hollenbaugh, Hunter, Ingraham, MacDonald, Malek, McClafferty, McNally, Menahan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Skees, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 31

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

**HB 43 - Senate Amendments** - Representative MacLaren moved Senate amendments to **HB 43** be **not** concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Small.

Total 1

**HB 125 - Senate Amendments** - Representative Klock moved Senate amendments to **HB 125** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Knox, C. Smith, Wagner.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 216 - Senate Amendments** - Representative Miller moved Senate amendments to **HB 216** be concurred in. Motion carried as follows:

Yeas: Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kennedy, Kerns, Klock, Knox, Knudsen, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Wilmer, Yates, Mr. Speaker.

Total 95

Nays: Ankney, Ingraham, Lavin, O'Neil.

Total 4

Excused: None.

Total 0

Absent or not voting: Kary.

Total 1

**HB 336 - Senate Amendments** - Representative Menahan moved Senate amendments to **HB 336** be concurred in. Motion carried as follows:

Yeas: Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Esp, Evans, Fitzpatrick, Furey, Greef, Hands, Hansen, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Kerns, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Read, Regier, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Vance, Washburn, Williams, Wilmer, Yates.

Total 63

Nays: Ankney, Arntzen, Bangerter, Berry, Blasdel, Blyton, Cook, Ehli, Flynn, Gibson, Hale, Harris, Hendrick, Ingraham, Kary, Kennedy, Knudsen, Lavin, Loney, Miller, More, O'Neil, Osmundson, Peterson, Randall, Reichner, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Wagner, Warburton, Welborn, Mr. Speaker.

Total 36

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

**HB 469 - Senate Amendments** - Representative Clark moved Senate amendments to **HB 469** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller,



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

**HB 541 - Senate Amendments** - Representative Welborn moved Senate amendments to **HB 541** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Kerns.

Total 1

**HB 584 - Senate Amendments** - Representative Mehlhoff moved Senate amendments to **HB 584** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Evans, Fitzpatrick, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Flynn, Kennedy, O'Neil.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 312** - Representative G. Bennett moved **SB 312** be concurred in. Motion carried as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Ehli, Esp, Evans, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Sesso, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 75

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Edmunds, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Menahan, Phillips, Price, Reinhart, Sands, Schmidt, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader McGillvray moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Skees moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl,

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Burnett, Clark, Connell, Cook, Cuffe, Driscoll, Edmunds, Ehli, Fitzpatrick, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McClafferty, McGillvray, McNiven, McNutt, Menahan, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.  
Total 71

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Furey, Hands, Hill, Hollenbaugh, Hunter, MacDonald, Malek, McNally, Mehlhoff, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, Squires, Swanson, Williams, Wilmer.  
Total 26

Excused: Evans.  
Total 1

Absent or not voting: Esp, Greef.  
Total 2

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 59** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, McChesney, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 89

Nays: B. Bennett, Cook, Hands, Hill, Malek, McClafferty, Reinhart, Sands, Squires.  
Total 9

Excused: Evans.  
Total 1

Absent or not voting: Flynn.  
Total 1

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**HB 61** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Furey, Gibson, Greef, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 92

Nays: Esp, Fitzpatrick, Hale, Small, Wagner, Welborn.

Total 6

Excused: Evans.

Total 1

Absent or not voting: Flynn.

Total 1

**HB 95** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 90

Nays: Brodehl, Burnett, Kerns, Knox, O'Neil, Randall, Skattum, Skees, Wagner.

Total 9

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**HB 103** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 98

Nays: Hansen.

Total 1

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**HB 178** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Yates, Mr. Speaker.

Total 68

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Welborn, Williams, Wilmer.

Total 31

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**HB 191** passed as follows:

Yeas: Ankney, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Boland, Brodehl, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Read, Regier, Reichner, Reinhart, Roberts, Salomon, Sands, Schmidt, Sesso, Skattum, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Williams, Wilmer, Yates.

Total 86

Nays: Arntzen, Blyton, Burnett, Hansen, Kerns, Knox, McNiven, Miller, Randall, Rosendale, Skees, Welborn.

Total 12

Excused: Evans.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

**HB 213** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kennedy, Klock, Knox, Knudsen, Lavin, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 93

Nays: G. Bennett, Berry, Hendrick, Kary, Kerns, Loney.

Total 6

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**HB 251** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 97

Nays: Hands, Sesso.  
Total 2

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

**HB 288** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Blyton, Boland, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Furey, Gibson, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.  
Total 84

Nays: G. Bennett, Berry, Blasdel, Brodehl, Flynn, Hale, Hendrick, Kennedy, Kerns, More, Skattum, Skees, C. Smith, Wagner, Warburton.  
Total 15

Excused: Evans.  
Total 1

Absent or not voting: None.  
Total 0

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**HB 300** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**HB 380** passed as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0



HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

**SB 1** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, Berry, Blasdel, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Klock, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skees, Small, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 85

Nays: G. Bennett, Blyton, Cuffe, Edmunds, Harris, Kennedy, Kerns, Knox, Salomon, Skattum, C. Smith, F. Smith, Wagner, Welborn.

Total 14

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 15** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, B. Bennett, Berry, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Driscoll, Ehli, Fitzpatrick, Furey, Greef, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, C. Smith, F. Smith, Squires, Swanson, Taylor, Warburton, Washburn, Williams, Wilmer, Yates, Mr. Speaker.

Total 73

Nays: Belcourt, G. Bennett, Blasdel, Cuffe, Edmunds, Esp, Flynn, Gibson, Hale, Hendrick, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Miller, Randall, Read, Skattum, Skees, Small,

Stahl, Vance, Wagner, Welborn.

Total 26

Excused: Evans.

Total 1

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

**SB 174** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, Belcourt, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Flynn, Gibson, Hale, Hansen, Harris, Hendrick, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McChesney, McGillvray, McNiven, McNutt, Mehlhoff, Miller, More, O'Neil, Osmundson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 69

Nays: Barrett, B. Bennett, Boland, Court, Driscoll, Fitzpatrick, Furey, Greef, Hands, Hill, Hunter, MacDonald, Malek, McClafferty, McNally, Menahan, Noonan, O'Hara, Pease-Lopez, Peterson, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Williams, Wilmer.

Total 30

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 198** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Connell, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Gibson, Greef, Hale, Hansen, Harris, Hendrick, Hollandsworth, Howard, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacLaren, McGillvray, McNiven, Miller, More, O'Hara, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Reichner, Roberts, Rosendale, Salomon, Skattum, Skees, Small, C. Smith, Stahl, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Yates, Mr. Speaker.

Total 65

Nays: Barrett, Belcourt, B. Bennett, Boland, Court, Driscoll, Furey, Hands, Hill, Hiner, Hollenbaugh, Hoven, Hunter, MacDonald, Malek, McChesney, McClafferty, McNally, McNutt, Mehlhoff, Menahan, Noonan, Pease-Lopez, Phillips, Price, Reinhart, Sands, Schmidt, Sesso, F. Smith, Squires, Swanson, Williams, Wilmer.

Total 34

Excused: Evans.

Total 1

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

**SB 288** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**SB 298** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Cook, Fitzpatrick.

Total 2

Excused: Evans.

Total 1

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

**SB 347** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 97

Nays: Salomon.

Total 1

Excused: Evans.

Total 1

Absent or not voting: Wagner.

Total 1

**SB 357** concurred in as follows:

Yeas: Ankney, Arntzen, Bangerter, Barrett, B. Beck, Belcourt, B. Bennett, G. Bennett, Berry, Blasdel, Blyton, Boland, Brodehl, Burnett, Clark, Connell, Cook, Court, Cuffe, Driscoll, Edmunds, Ehli, Esp, Fitzpatrick, Flynn, Furey, Gibson, Greef, Hale, Hands, Hansen, Harris, Hendrick, Hill, Hiner, Hollandsworth, Hollenbaugh, Hoven, Howard, Hunter, Ingraham, Kary, Kennedy, Kerns, Klock, Knox, Knudsen, Lavin, Loney, MacDonald, MacLaren, Malek, McChesney, McClafferty, McGillvray, McNally, McNiven, McNutt, Mehlhoff, Menahan, Miller, More, Noonan, O'Hara, O'Neil, Osmundson, Pease-Lopez, Peterson, Phillips, Price, Randall, Read, Regier, Reichner, Reinhart, Roberts, Rosendale, Salomon, Sands, Schmidt, Sesso, Skattum, Skees, Small, C. Smith, F. Smith, Squires, Stahl, Swanson, Taylor, Vance, Wagner, Warburton, Washburn, Welborn, Williams, Wilmer, Yates, Mr. Speaker.

Total 99

Nays: None.

Total 0

Excused: Evans.

Total 1

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Absent or not voting: None.

Total 0

**SJR 8 failed** as follows:

Yeas: Ankney, Barrett, Belcourt, B. Bennett, Boland, Connell, Court, Driscoll, Flynn, Furey, Hands, Hansen, Harris, Hill, Hiner, Hollandsworth, Hollenbaugh, Hunter, Klock, MacDonald, MacLaren, Malek, McChesney, McClafferty, McNally, McNiven, Mehlhoff, Menahan, Noonan, O'Hara, Pease-Lopez, Phillips, Price, Reichner, Reinhart, Sands, Schmidt, Sesso, Small, F. Smith, Squires, Stahl, Swanson, Warburton, Williams, Wilmer, Yates, Mr. Speaker.

Total 48

Nays: Arntzen, Bangerter, B. Beck, G. Bennett, Berry, Blasdel, Blyton, Brodehl, Burnett, Clark, Cook, Cuffe, Edmunds, Ehli, Esp, Fitzpatrick, Gibson, Greef, Hale, Hendrick, Hoven, Howard, Ingraham, Kary, Kennedy, Kerns, Knox, Knudsen, Lavin, Loney, McGillvray, McNutt, Miller, More, O'Neil, Osmundson, Peterson, Randall, Read, Regier, Roberts, Rosendale, Salomon, Skattum, Skees, C. Smith, Taylor, Vance, Wagner, Washburn, Welborn.

Total 51

Excused: Evans.

Total 1

Absent or not voting: None.

Total 0

**MOTIONS**

Representative McGillvray moved **SB 199** be moved from the Committee of the Whole after Second Reading to the Appropriations committee.

Representative McGillvray moved to appoint a Conference Committee on **HB 43** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative MacLaren  
Representative Fitzpatrick  
Representative Hunter

Representative McGillvray moved to appoint a Conference Committee on **HB 297** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative Berry  
Representative B. Bennett  
Representative Stahl

HOUSE JOURNAL  
SEVENTY-FIFTH LEGISLATIVE DAY - APRIL 4, 2011

Representative Squires moved to change his vote on **SA HB 59** from No to Yes.  
Representative McGillvray objected, vote was not changed.

Representative McGillvray moved to withdraw his previous motion of appointing a conference committee for HB 43. Without objection, so ordered.

Representative McGillvray moved to appoint a **Free** Conference Committee on **HB 43** and request the Senate to appoint a like committee. Motion Carried. Speaker Milburn appointed:

4/4/2011

Representative MacLaren  
Representative Fitzpatrick  
Representative Hunter

**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Representative McGillvray moved that the House adjourn until 1:00 p.m., Friday, April 8, 2011.  
Motion carried.

House adjourned at 2:55 p.m.

BETH CARGO  
Chief Clerk of the House

MIKE MILBURN  
Speaker of the House